Chapter 32

STREETS AND SIDEWALKS[1]

ARTICLE I. IN GENERAL

Sec. 32-1. Streets to be designated by signs at corners.

All streets in the city shall be designated at the corners thereof by signs bearing the name of the intersecting streets in legible characters. Such signboards shall be erected in such a manner as the department of public works, streets and airports shall direct.
(Code 1986, § 32-1)

Cross reference--Advertising, Ch. 3.

---

[1] **Charter references**--General authority over streets and sidewalks, § 2.1(7); public works, streets, sewers and airports, § 15.1.

Cross references--Signs or banners over streets and sidewalks, § 3-17; restrictions on signs near controlled access highways, § 3-31 et seq.; beautification, Ch. 9; buildings, Ch. 10; auction sales on streets or public landings prohibited, § 11-18; filling stations, § 11-156 et seq.; sidewalk vendors, § 11-371 et seq.; police department, § 16-41 et seq.; anti-litter code, § 18-141 et seq.; Metropolitan Transit Authority, Ch. 23; motor vehicles and traffic, Ch. 24; parks and playgrounds, Ch. 26; sewers, mains and drainage, Ch 31; trailers and trailer camps, Ch. 34; vehicles for hire, Ch. 35; subdivision regulations, Appendix A; zoning regulations, Ch. 38.

State law reference--Streets and other public improvements, T.C.A., § 7-31-101, *et seq*.

Sec. 32-2. Datum plane adopted.

The datum plane of the city level shall be the low-water mark of the Tennessee River, as indicated by the zero of the river gauge of the United States Government.
(Code 1986, § 32-2)

Sec. 32-3. Maintenance, removal of equipment installed in streets under franchise.

It shall be unlawful for any person occupying any part of any street in the city under franchise rights, either beneath the surface thereof, on the surface or above the same, to allow pipes, poles, wires, tracks or other apparatus or appliances which have been placed on, over or under such streets under such franchise to become and remain so out of repair as to obstruct the surface, damage the paving or endanger the use of such streets; or to neglect to remove or replace such pipes, poles, wires, tracks or other apparatus or appliances upon notice from the department of public works, streets and airports that the same is necessary. Any such person, upon receiving notice in writing from the head of the public works department to repair the defective condition of any such pipes, wires, poles, tracks or other apparatus or appliances, or to remove or replace the same shall, within not more than forty-eight (48) hours thereafter, unless the time limit is extended by the head of the public works department, begin work upon such repair or removal, and shall continue such work to completion.
(Code 1986, § 32-3; Ord. No. 9654, § 110, 1-6-92)

Sec. 32-4. Harmful materials, substances in streets.

No person shall place or cause to be placed or left upon any street in the city any tacks, ashes, bottles, pieces of glass, crockery, nails, barbed wire, wire or any other instrument, material or substance calculated to in any way pierce, puncture or otherwise injure or damage the tire of any vehicle which may be used or operated thereon.
(Code 1986, § 32-4)

Sec. 32-5. Vehicles using sidewalks adjacent to filling stations.

No vehicle shall stand on the sidewalk while being serviced in any gasoline filling station, and no vehicle shall be driven over any portion of the sidewalk not included in the regular driveway of such filling station.
(Code 1986, § 32-5)

Cross reference--Filling stations generally, § 11-156, *et seq*.

Sec. 32-6. Washing vehicles on streets, sidewalks.

It shall be unlawful for any person to wash or cause to be washed any vehicle on any street or sidewalk in the city.
(Code 1986, § 32-6)

Sec. 32-7. Signs, pillars, posts, columns on sidewalks.

It shall be unlawful for any person to erect any sign, pillar, post or column upon any sidewalk in the city without a permit from the department of public works, streets and airports. Except as provided in article X of this chapter, no such permit shall be issued for any sign, pillar, post or column to be erected on the curb or anywhere on the pavement of a sidewalk.
(Code 1986, § 32-7)

Sec. 32-8. Projections over sidewalks.

(a) No person shall erect any awning, gallery or other projection from a building over any sidewalk in the city without a permit so to do from the department of public works, streets and airports. No permit shall be issued for any stationary awning or other projection that is immovable, except cornicing; provided that, any hospital or funeral home in the city may be issued a permit to erect stationary awnings over the sidewalk in front of such establishment if the posts or columns supporting such stationary awnings are more than nine (9) feet in height; and provided, further, that, movable drop awnings attached to buildings may extend over the sidewalk, but not nearer than eighteen (18) inches to the curb line, and when let down to their full extent they shall not be less than eight (8) feet above the sidewalk at all points.

(b) Applications for permits for projections over sidewalks, as authorized by this section, shall be submitted by the inspection department to the traffic engineer and receive his recommendation before issuing such permit.
(Code 1986, § 32-8)

Sec. 32-9. Nonconforming permits, encroachments and projections.

Any permit issued by the department of public works, streets and airports which is not in accordance with the provisions of sections 32-7 and 32-8 shall be void, and any sign, pillar, post or projection erected under a void permit, that does not meet the requirements of such section shall be removed on order of the city judge.
(Code 1986, § 32-9)

Sec. 32-10. Supervision of trees and shrubs; cutting, trimming, removal.

The municipal forester shall have charge of and general supervision over all shade and ornamental trees and all shrubs on the streets and sidewalks of the city. No such trees or shrubs shall be cut, pruned or trimmed except on order of the municipal forester and under his supervision. The municipal forester may remove or cut and trim the boughs and branches of all trees and shrubs growing on or overhanging the streets and sidewalks, when necessary, in his judgment, to permit the free and unimpeded passage of traffic thereon.
(Code 1986, § 32-10; Ord. No. 9654, § 125, 1-6-92)

Cross reference--Beautification generally, Ch. 9.

Sec. 32-11. Injuring trees, shrubs, plants.

It shall be unlawful for any unauthorized person to remove, destroy or mutilate any tree, shrub, fern, plant or flower on any street, grassplot or public square in the city.
(Code 1986, § 32-11)

Sec. 32-12. Walking, driving on area between sidewalk and curb.

It shall be unlawful for any person to walk or drive in any grassplot or parkway between the sidewalk and curb on any street in the city; provided that, pedestrians may cross such parkways at passageways in front of residences.
(Code 1986, § 32-12)

Sec. 32-13. License to make excavations, build or repair sidewalks, occupy streets or sidewalks--required.

No permit shall be issued authorizing any person to build or repair any sidewalk, or to make openings or excavations in any street or sidewalk, or to occupy any part of any street or sidewalk in connection with building operations, except upon condition that the work shall be done by a person holding a license from the Economic and Community Development Department, streets and airports issued as provided in section 32-14; provided that, such a permit may be issued to an unlicensed person if the head of the Economic and Community Development Department is furnished satisfactory evidence that the proposed work will be properly and carefully done and the applicant for such permit gives bond in the penalty of not less than twenty-five hundred dollars ($2,500.00), of like tenor with the bond required in section 32-15 of this Code of applicants for a license.
(Code 1986, § 32-13) (Ord. No. 12736, § 4, 7-2-13)

Cross reference--Businesses, trades and occupations generally, Ch. 11.

Sec. 32-14. Same--issuance; conditions; revocation.

The head of the Economic and Community Development Department may issue a license to any person to do any of the work described in section 32-13 upon the applicant's furnishing satisfactory evidence that he is qualified to do such work skillfully and the bond required by the following section. No such license shall be effective for a longer period than a year, nor shall it be deemed to confer upon the licensee authority to make an excavation in any street or sidewalk or to do in any part of any street or sidewalk any of the work specified in the preceding section until the permit for such work required by sections 32-63 and 32-104 of this Code has been obtained. Any such license may be revoked by the commissioner at any time, upon satisfactory evidence that the conditions of the required bond are not being faithfully performed or that the licensee is failing or refusing to comply with the specifications for such work furnished by the Economic and Community Development Department, streets and airports.
(Code 1986, § 32-14; Ord. No. 9654, § 110, 1-6-92; Ord. No. 12736, § 4, 7-2-13)

Sec. 32-15. Same--bond required of licensee.

No license shall be issued under section 32-14 until the applicant has entered into an annual bond payable to the city in the penalty of twenty-five hundred dollars ($2,500.00) conditioned to restore any street or sidewalk in which any such work shall be done to the state in which it was before such work was done, and also conditioned to indemnify and save harmless the city for any liability to any person for damages occasioned by or resulting from any such work done by or under the direction of the licensee.
(Code 1986, § 32-15)

Secs. 32-16 -- 32-30. Reserved.

ARTICLE II. OBSTRUCTIONS

Sec. 32-31. Use of streets for carnivals, fairs, exhibitions.

It shall be unlawful for any person who operates or gives an exhibition, fair or carnival of any kind to occupy any portion of any street in the city, unless with the consent of the city council. It shall be unlawful for any person to exhibit any tricks of legerdemain or other devices of like kind or to give any similar performances upon any streets or public squares.
(Code 1986, § 32-31; Ord. No. 9654, § 2, 1-6-92)

Cross reference--Amusements generally, Ch. 6.

Sec. 32-32. Boxes, barrels, merchandise, other articles.

It shall be unlawful for any person to obstruct the streets or sidewalks with boxes, barrels, machinery, agricultural implements, etc., except when receiving and forwarding goods, wares and merchandise, and then only for a reasonable time.
(Code 1986, § 32-32)

Sec. 32-33. News vendors' stands.

Persons selling newspapers and periodicals exclusively from movable outfits may be permitted to maintain stands in the streets at such places, to be designated by the commissioner of fire and police, as will not interfere with traffic and as will promote the convenience of the public.
(Code 1986, § 32-33)

Cross reference--Sidewalk vendors generally, § 11-371, *et seq*.

Sec. 32-34. Obstructions to visibility at intersections.

It shall be unlawful for the owner or occupant of any lot at any street intersection in the city to maintain any hedge, fence, shrubbery or other obstruction more than three (3) feet in height for a distance of twenty-five (25) feet back from the lot line at such street intersection, and any owner or occupant of a lot at such an intersection having a fence, hedge, shrubbery or other obstruction more than three (3) feet in height shall remove the same or reduce the height thereof to not more than three (3) feet for a distance of twenty-five (25) feet back from his lot line; provided that, the provisions of this section shall not apply to or affect buildings constructed on lots at street intersections.
(Code 1986, § 32-34)

Sec. 32-35. Leaving wood, lumber on sidewalks.

It shall be unlawful for any person to throw and leave, or permit to be thrown and left, for more than an hour, wood or lumber of any kind on any sidewalk in the city.
(Code 1986, § 32-35)

Sec. 32-36. Dumping earth, building debris on streets.

It shall be unlawful for any person to dump or deposit upon any paved street in the city, or cause the same to be done, any earth, mortar or builders' rubbish of any kind intended to be conveyed from the street, until means of transportation have been procured for the removal of the same, and in no case shall it be allowed to remain upon the pavement for a longer period than five (5) hours.
(Code 1986, § 32-36)

Sec. 32-37. Building materials on streets.

(a) The portion of any street in the city which may be occupied by the material necessary for a building in course of construction, alteration or repair shall not exceed the dimensions of the front of the premises being built upon, and twelve and one-half (12 □) feet in addition on each side and shall not exceed one-third (1/3) of the street in breadth. Such occupation of a street shall not be prolonged an unreasonable period. All brick shall be properly stacked when deposited in the street and sufficient way shall be left unencumbered at all times between such building material and the curbstone on the side of the street opposite the building for the passage of vehicles.

(b) No material shall be placed within four (4) feet of the track of any railroad or of any fire cistern, fireplug, pump or manhole for any sewer or conduit system or crossing, or within twelve (12) inches of any curbstone unless provision is made for the free passage of water in the gutters. A sufficient unobstructed passageway for traffic shall be maintained at all times along the street. Where it is possible so to do, as soon as any building is up to the sidewalk grade the sidewalk shall immediately be constructed and a sufficient passageway kept open at all times over the same.
(Code 1986, § 32-37)

Sec. 32-38. Protection of streets, sidewalks on which deposits made.

Any person, before depositing upon the paving of any street or sidewalk any earth, mortar or other material calculated to injure the structure or appearance of the pavement in any way, shall first lay upon the pavement such covering as may be required by the department of public works, streets and airports, of such dimensions as may be necessary to protect the surface without unnecessarily blocking the roadway or otherwise interfering with traffic.
(Code 1986, § 32-38)

Sec. 32-39. To be lighted at night.

(a) It shall be unlawful for any person to place or leave material or obstruction of any kind on the streets or sidewalks of the city at night without placing thereon a sufficient number of red lights or flares to warn all persons before reaching such obstruction that there is danger and that the street is obstructed.

(b) This section shall be construed to apply to all kinds and types of materials for constructing buildings and other structures, railroads and tracks and to rails, boxes, poles, wires, bricks, mortar, plank, sand and any other thing that prevents the street or sidewalk from being clear and free from obstructions.

(c) All persons so obstructing the street or sidewalk, including any contractor or his employee in charge of the obstruction shall see to it that this section is fully complied with, and that such red lights or flares are placed on such obstruction at twilight each night and kept burning until daylight.
(Code 1986, § 32-39)

Sec. 32-40. Liability for failure to light.

When any person neglects to comply with section 32-29 and an accident results by reason of such negligence causing damage, the person whose negligence caused the accident shall be held responsible therefor, and if the city is required to pay out any money as damages therefor, the city attorney shall prosecute the offender and bring an action against him to recover any damages that the city may have sustained by reason of his failure to comply.
(Code 1986, § 32-40)

Sec. 32-41. Permit required to obstruct gutter; issuance.

It shall be unlawful for any person to obstruct the gutter of any street in the city by placing therein any timber or other material, or by constructing or placing over such gutter any bridge or covering which may constitute an obstruction thereof, except for temporary use and for a specific period to be set forth in a permit issued therefor by the head of the public works department. The issuance of such permit shall be at the discretion of the head of the public works department, who may impose such restrictions and requirements, as a condition precedent to the issuance of such permit, as the interest of the public may, in his opinion, require.
(Code 1986, § 32-41)

Cross reference--Businesses, trades and occupations generally, Ch. 11.

Sec. 32-42. Gutter obstruction to be removed when permit expires.

Any person to whom a permit has been issued as provided in section 32-41 shall remove such timber, material, bridge or other covering from within or over such gutter on or before the expiration of the period stated in such permit.
(Code 1986, § 32-42)

Sec. 32-43. Removal of unauthorized gutter obstructions.

The head of the public works department streets and airports may remove, without notice to the person responsible therefor, any unauthorized obstructions referred to in section 32-41 of this Code, or obstructions which may have been left after the expiration of the time limit fixed in the permit therefor.
(Code 1986, § 32-43)

Sec. 32-44. Temporary use permit.

It shall be unlawful for any person to place an obstruction on or over any City right-of-way or property unless such person has obtained a temporary use permit from the City. Applications for such permits shall be made by the City Engineer's Office along with a non-refundable application fee of One Hundred Dollars ($100.00).
(Ord. No. 11175, § 33, 9-11-01)

Secs. 32-45 -- 32-60. Reserved.

ARTICLE III. EXCAVATIONS AND RESTORATION OF PAVING[2]

Sec. 32-61. Definitions.

Building Official - The person who shall serve as the supervisor for the Inspection Section of the Land Development Office or in his or her absence, the subordinate assigned or delegated direct responsibility for the administration of this Article.

City Engineer - The person holding the position referred to in Chattanooga City Code, Part I, Charter Section 3.111 and Chapter 2, Article II, Division 4, or such assistant engineers assigned or delegated direct responsibility for the administration of this Article.

City Inspector - A person employed by the City to physically inspect any excavation for conformity with the permit and other provisions of this Article.

Emergency - A sudden or unexpected occurrence or condition calling for immediate action. The repair of a broken or malfunctioning utility line or services shall be deemed an emergency if a repair is reasonably warranted under existing circumstances prior to the next working day.

Excavation - Any excavation or tunneling of any public street right-of-way including, but not limited to, excavation in, cutting of, or tunneling of any street, sidewalk or curb for purposes of constructing or maintaining pipes, lines, driveways, private streets, poles, guy wires, signs, or other utilities, private structures, or facilities.

[2] **Cross references**--Plumbing, Ch. 27; encroachments and excavations on state and federal highways, § 32-86, *et seq*.

Traffic Engineer - The person holding the position referred to in Chattanooga City Code, Part II, Chapter 24, Article II, Division 3, or such assistant engineer as shall be assigned or delegated direct responsibility for the administration of this Article.

Working Day - Any day when the City Engineer's office is open for the transaction of normal business.
(Ord. No. 12337, 1-5-2010)

Sec. 32-62. Permit required.

It shall be unlawful for any person to make any excavation in or to tunnel under any street, curb, alley, or public right-of-way in the City without first having obtained a permit from the Building Official and complying with the provisions of this Article. It shall be unlawful to violate or to vary from the terms of any such permit; provided, however, any person maintaining pipes, lines, driveways, or other facilities in or under the surface of any public right-of-way may proceed with an excavation without a permit when emergency circumstances demand the work to be done immediately, and provided further that the person shall apply for a permit on the next working day.
(Ord. No. 12337, 1-5-2010)

Sec. 32-63. Applications.

Applications for such permits shall be made to the Building Official and shall state thereon the location of the intended excavation or tunnel, the size thereof, the purpose thereof, the name of the person doing the actual excavating, and the name of the person for whom the work is being done. The applicant shall disclose any foreseeable lane or sidewalk closures or detours during excavation. As a condition of issuing a permit, all applicants must agree in writing as part of the application to comply with all ordinances and laws relating to the work to be done. The Building Official or his designee shall consider each application for a permit filed under this Article, under all facts and circumstances, shall grant or refuse the permit within five (5) working days and shall endorse his action on the application. The Building Official shall refer such application to the City Engineer or Traffic Engineer for review and comment when a professional opinion on the propriety of issuing a permit or conditions to attach thereto is needed. The action of the Building Official in granting or refusing a permit shall be final, except as it may be subject to review at law. A permit may be refused for the following reasons:

(a) The proposed excavation should be redesigned to mitigate a potential safety hazard;

(b) The proposed excavation should be redesigned to mitigate damage within the right-of-way;

(c) The proposed excavation cannot be safely made in the public right-of-way;

(d) The proposed restoration plan does not meet the minimum standards for restoration;

(e) The applicant has willfully failed to comply with conditions of prior permits issued to the applicant; provided that such disqualification shall be removed upon correction of any such defects;

(f) For other good cause in the discretion of the Building Official.

Provided that as to an excavation done in emergency circumstances the application shall be completed on the next working day; and the Building Official shall review the actual work completed for conformity with the requirements hereof.
(Ord. No. 12337, 1-5-2010)

Sec. 32-64. Application Fee.

Each application shall be accompanied by a fee as follows:

(a) Permit fee of $300.00 for transverse cuts in pavement.

(b) For longitudinal cuts in pavement the permit fee of $1.00 per foot shall be charged ($300.00 minimum).

(c) Permit fee of $50.00 for cuts in the sidewalk.

(d) Permit fee of $100.00 for cuts in the curb and/or curb and gutter.

(e) Street Cut Permit is not required for cuts outside the sidewalk and street pavement.

(f) Written notification of intent to work in a City right-of-way must be received at least 24 hours prior to beginning work, even if a permit is not required, except in emergencies. E-mail is considered a written notice.

(g) Permits for relocation or installation of fire hydrants will be required when requested by the City, but no fee (including administrative fees) will be required.

(h) Multiple cuts, each not exceeding 25 square feet in area, when required in a single block or within a work zone distance of 250 feet as part of a single project, are considered as one cut. Permit and fee will be required for a single cut under these conditions. If the cut exceeds 250 feet, or multiple cuts within a block or a work

zone greater than 250 feet, then the entire lane that is disturbed by construction shall be repaved from intersection to intersection.

(i) Neither permits nor fees will be required when work in the right-of-way is conducted as part of a City street improvement project, including resurfacing, where the utility is required to move their facilities as a result of the City project.

(j) Fees shall not be waived under any other conditions.

(k) When it is determined that non-emergency work in the City Right-of-Way has proceeded without the purchase of a permit, the contractor or utility shall immediately purchase a street cut permit, and the fee for the permit shall be double the normal fee; no further permits shall be issued to the contractor or utility until such time as the improper work is removed and replaced in accordance with this Code.

(l) Where work in the City Right-of-Way is self-performed by one of the following entities, or by one of the entity's approved contractors, the fee for each permit shall be invoiced monthly. Invoicing may be provided for:

(1) Electric Power Board of Chattanooga;
(2) Tennessee-American Water Company;
(3) Chattanooga Gas Company;
(4) A T & T;
(5) Comcast Cable Company;
(6) Hixson Utility District; and
(7) Eastside Utility District.

(Ord. No. 12337, 1-5-2010)

Sec. 32-65. Manner of excavating - barricades and lights.

Any person making any excavation or tunnel shall do so according to the specifications and standards issued by the City Engineer. In accordance with the Manual on Uniform Traffic Control Devices (MUTCD) sufficient and proper barricades, lights and other traffic control devices shall be maintained to prevent accidents and injury to persons or property. If any sidewalk is blocked a temporary sidewalk shall be provided which shall be safe for travel and convenient for users. No work shall be done which deviates from the approved plans and until a change of plans has been secured from the Building Official. All expenses of such safety measures and temporary sidewalk shall be borne by the applicant or owner.
(Ord. No. 12337, 1-5-2010)

Sec. 32-66. Bond required.

When permits are required to excavate or in any way obstruct any street in the City, the Building Official shall require from such applicant, before granting a permit, a bond with good and sufficient sureties, conditioned to secure the City against all loss, damage or injury of any kind which may result to the City by reason of such excavation or obstruction; provided, that persons engaged in the business of contracting shall be allowed to give an annual bond, instead of a bond for each obstruction such annual bond in every instance to be renewed at least once every twelve (12) months.
(Ord. No. 12337, 1-5-2010)

Sec. 32-67. Manner of excavating street.

(a) In excavating any street, all material for paving or ballasting must be removed with the least possible injury or loss of the same and, together with the excavated materials from the trenches, must be placed where they will cause the least possible inconvenience to the public. All pavement where trench excavations are to be made shall be saw cut. Cutting the street with a jackhammer or a hoe-ram is not permitted.

(b) The permittee shall carry on the work authorized by the permit in such manner as to cause a minimum of interference with traffic. He shall provide adequate warning signs and devices to warn and guide traffic, and shall place the signs and warning devices in a position of maximum effectiveness. The latest editions of the Manual on Uniform Traffic Control Devices, copies of which are on file in the Traffic Engineer's Office, may be used as a guideline for proper positioning of signs and devices.

(c) Where difficult or potentially hazardous conditions exist, competent flagmen shall be provided to effect a safe and orderly movement of traffic. Where insufficient traffic lanes exist because of street openings, adequate bridging shall be supplied by the permittee. When traffic congestion occurs in spite of all precaution, the permittee shall be responsible for providing a flagman. In the event the Building Official, Traffic Engineer or City Engineer shall discover any hazardous excavation or unwarranted traffic congestion where flagmen have not been provided, he shall direct the permittee to immediately post flagmen. A failure to post flagmen following a directive shall be a violation of this Article.

(d) On main thoroughfares and in congested districts, sufficient traffic lanes shall be kept open at all times to permit substantially normal traffic flow. Unless this can be accomplished, work shall be done only during the period between 9:00 a.m. and 4:00 p.m. or between 7:00 p.m. and 7:00 a.m., as the City Engineer may designate.

(e) For backfill in roadway areas, the contractor shall provide six-inches (6") of graded aggregate base above the utility's main line. From top of graded aggregate base backfill to bottom of paving, the backfill material shall be flowable fill with a compressive strength of 200-250 psi in 48 hours. Flowable fill shall be placed a minimum of forty-eight (48) hours prior to the placing of the asphalt or concrete topping. Where it is impractical to use flowable fill because of terrain, slope, width of trench, or other situations, the material for the backfill in the roadway areas may be approved for cement treated aggregate base at the sole discretion of the City Engineer. Each 8" layer of backfill shall be thoroughly compacted by means of a mechanical tamp. Other backfill materials may be acceptable, but prior approval for the substitution shall be determined by the City Engineer or his designee.

(f) Backfill for trenches within the sidewalk areas shall be compacted graded aggregate base instead of loose washed stone. Each 8" layer of graded aggregate base shall be thoroughly compacted by means of mechanical tamp.

(g) If a perpendicular cut reaches the centerline of the roadway, the asphalt must be replaced from curb to curb and a minimum of ten (10) feet on each side of the centerline of the excavation.

(h) The proposed restoration plan shall require that permanent repairs or restoration of street cuts shall be made to match existing surfaces.
(Ord. No. 12337, 1-5-2010; Ord. No. 12391, 4-27-10)

Sec. 32-68. Liability and responsibility for repair.

Any person who shall properly make any excavation or other change to the street right-of-way, and shall have same inspected by the Building Official or his designee and shall be relieved from any liability for any defects due to inadequate workmanship or defective materials provided the excavation shall remain free from defects for twelve (12) months following installation.

If a contractor, utility, or other entity makes five or more excavations within one block of a City right-of-way or within a work zone distance of 250 feet within the City right-of-way, whichever is shorter, causing disruption to any part of the pavement within two years after said right-of-way has been resurfaced or constructed, said contractor, utility or other entity shall repave the entire street for the distance of the City block or 250 feet, said distance being the distance utilized to require the repaving. Said repaving shall be done to the standards approved by the City Engineer and shall be done under the supervision and control and at the direction of the City. The contractor, utility, or other entity shall bear the entire cost of such repaving. In the event any such contractor, utility, or other entity fails to repave as required herein, then such contractor, utility or other entity shall be prohibited from acquiring any permits for additional excavations in any City

right-of-way until such time as the repaving required by this section is completed and approved by the City Engineer.
(Ord. No. 12337, 1-5-2010)

Sec. 32-69. Inspection.

It shall be the responsibility of any person granted a permit to schedule an inspection of the permitted work by the City's Inspector upon such conditions as may be specified in the permit. The utility or contractor making any changes to a City right-of-way, shall, at a minimum, have the following inspections performed by the City's Inspector:

(a) After the repairs or installation of the new conduit or piping and before the graded aggregate base fill over the pipe has been placed;

(b) During the placement of the flowable fill or other approved fill in the sole discretion of the City Engineer; and

(c) Final completion.

(d) Should inspections be required after normal working hours or on weekends, the contractor or utility making the changes to the City right-of-way, shall reimburse the City for the inspector's time at a rate to be determined in accordance with the personnel policies in effect at the time the repairs are performed.

When it is determined that improper work has been performed in the City's right of way, the contractor or utility responsible for the work shall remove improper work and reinstall the work in accordance with the City Standards. If a permit was not obtained, the contractor or utility shall purchase a permit and the fee shall be double the normal fee. No future permits will be issued to the violating contractor or utility until the improper work has been corrected.
(Ord. No. 12337, 1-5-2010)

Sec. 32-70. Specification.

Upon issuance of each permit, the Building Official shall specify minimum restoration standards applicable to the permit. The City Engineer and/or Traffic Engineer shall prepare and provide standard specifications for routine circumstances, which may be specifically referenced in the permit. Provided that where the work involved is greater in scope than provided for by standard specifications as determined by the Building Official, the City Engineer or the Traffic Engineer, the permittee shall be required to submit suitable plans of installation and street restoration for approval prior to issuance of a permit.

(Ord. No. 12337, 1-5-2010)

Sec. 32-71. Insurance.

Each person applying for a permit shall file a certificate of insurance (or provide other proof in form and substance to be approved by the City Attorney) indicating that he is insured, or the applicant shall provide an indemnity agreement with security satisfactory to the City Attorney, against claims of personal injury or property damage which may arise from or out of the performance of the work, whether such performance be by the applicant, a contractor or subcontractor, or anyone employed by him. Such insurance or indemnity agreement shall cover collapse, explosive hazards, and underground work by equipment on the street, and shall include protection against liability arising from completed operations. The minimum amount of the liability insurance for bodily injury shall not be in an amount less than $300,000 for each person and $700,000 for each accident and for property damages in an amount not less than $100,000, unless other limits are established by the Tennessee Governmental Tort Liability Act.
(Ord. No. 12337, 1-5-2010)

Sec. 32-72. Supervision.

The Building Official, or his designee, shall from time to time inspect all excavations and see to the enforcement of the provisions of this ordinance. The permittee shall give notice to the Building Official, or his designee, before refilling any such excavation or tunnel and said work may not commence until the Inspector arrives at the site or otherwise gives permission to proceed.
(Ord. No. 12337, 1-5-2010)

Secs. 32-73 -- 32-85. Reserved.

ARTICLE IV. ENCROACHMENTS AND EXCAVATIONS ON STATE AND FEDERAL HIGHWAYS

Sec. 32-86. Permit required for encroachments; approval.

It shall be unlawful for any person to erect or maintain any utility facility or other encroachment upon, over, or under any street or sidewalk in the city which has been, or may hereafter be constructed, extended or widened where the cost and expense of acquiring the rights-of-way therefor and improvement thereof is paid, in whole or in part, by the state department of transportation and the appropriate federal department or agency without first filing an application for and obtaining a permit from the city engineer, which application shall be accompanied by the written approval of the state department of transportation for the erection of such utility facility or encroachment.

(Code 1986, § 32-86)

Cross reference--Businesses, trades and occupations generally, Ch. 11.

Sec. 32-87. Removal of violating encroachments.

When the building inspector learns of any utility facility or encroachment on, over, or under any street or sidewalk as defined in section 32-86 hereof, he shall give written notice to the owner or occupant of the premises maintaining such utility facility or encroachment to remove same within ten (10) days, and if such owner or occupant refuses or fails to comply with such notice within the time specified he shall be deemed guilty of the violation of the provisions of this Code.
(Code 1986, § 32-87)

Sec. 32-88. Permit required for excavations; approval.

It shall be unlawful for any person to make any excavation or cut in the pavements, curbs, gutters or sidewalks of any street or highway within the city which has been, or may hereafter be, constructed, extended, or widened, the cost of which is paid, in whole or in part, by the state department of transportation and the appropriate federal department or agency, without first filing an application for and obtaining a permit from the city engineer, which application shall be accompanied by the written permission of the state department of transportation for the making of the proposed excavation or cut.
(Code 1986, § 32-88)

Cross reference--Businesses, trades and occupations generally, Ch. 11.

Secs. 32-89 -- 32-100. Reserved.

ARTICLE V. CURB AND SIDEWALK CONSTRUCTION AND MAINTENANCE

Sec. 32-101. Abutting owners, occupants to keep sidewalks clean and unobstructed.

Every owner or occupant of property in the city, in front of or along which there is a sidewalk, shall keep such sidewalk clean and unobstructed, except for such obstructions as are permitted by this Code or other city ordinances. Each such owner or occupant shall cause the removal at once of all accumulations of mud, filth, snow and ice and every other substance or thing which may constitute an obstruction or impediment to pedestrians, and every thing in the nature of a nuisance.
(Code 1986, § 32-101)

Sec. 32-102. Duty of abutting owners, occupants to construct.

Every owner or occupant of or agent for any lot of property abutting or adjacent to a street shall cause a sidewalk and curb to be constructed along the whole of such lot when required by notice, as provided in this article.
(Code 1986, § 32-102)

Sec. 32-103. When owner, occupant to construct or repair sidewalk.

When any street has been brought to an established or adopted grade, or when any sidewalk becomes out of repair or in any manner defective, whether in the bed or pavement or curbing thereof, or if such sidewalk does not conform to the provisions of the specifications of the city therefor, the owner, occupant or agent shall cause such sidewalk to be constructed, reconstructed or put in good repair according to such specifications.
(Code 1986, § 32-103)

Sec. 32-104. Specifications for construction and repair; permit required.

The type of new sidewalk to be laid or repairs to existing sidewalks shall be such as may be prescribed and approved by the city engineer. The owner, occupant or agent in charge of the property where such work is to be done shall apply to the department of public works, streets and airports for specifications and instructions setting forth the manner in which the work shall be performed and a permit authorizing such work, and in doing such work shall conform to such specifications and instructions.
(Code 1986, § 32-104; Ord. No. 9654, § 126, 1-6-92)

Annotation--The ordinance from which this section is derived was designed to furnish the city a means of discharging its duty to keep the sidewalk in repair through appropriate action under the ordinance against the offending abutting property owner. The property owner would not be liable to a person sustaining injury as a result of the city's omission safely to maintain the sidewalk. Harbin v. Smith, 168 Tenn. (4 Beeler) 112, 76 S.W. 2d 107 (1934).

Sec. 32-105. Failure to construct or repair; notice authorized.

If the owner, occupant or agent fails or refuses to construct, reconstruct or repair any required sidewalk or curbing, the commissioner of public works, streets and airports may cause the same to be done at the expense of the owner or he may direct the issuance by the department of public works, streets and airports of a written notice by registered mail with return receipt or personal delivery to the owner or to the occupant or agent, if the owner is a nonresident, unknown or cannot be located, requiring that the necessary work be done.
(Code 1986, § 32-105)

Sec. 32-106. Notice where owner unavailable, no agent and property deserted.

If the owner is a nonresident, unknown or cannot be located and there is no known agent therefor and the property is not occupied, the notice provided for in section 32-105 shall be posted for at least five (5) days on such lot or property.
(Code 1986, § 32-106)

Sec. 32-107. Failure to comply with notice.

Failure or refusal by the owner, or the occupant or agent, if the owner cannot be notified, to commence such necessary work within ten (10) days of receipt or posting of a notice as provided for in section 32-105 shall be unlawful, and each day thereafter shall constitute a separate violation.
(Code 1986, § 32-107)

Sec. 32-108. Failure to complete work.

Failure or refusal to complete work as required by the notice provided for in section 32-105 of this Code according to specifications and instructions, after it has once been commenced, shall be unlawful.
(Code 1986, § 32-108)

Sec. 32-109. Liability of abutting owner for injuries to persons.

In all instances of injury to persons resulting from the absence of any sidewalk or the negligently unsafe and defective condition thereof, the construction of which, or the repair of which, the abutting property owner, or his agent, has been notified to effectuate in the manner provided in this article, more than five (5) days before the happening of such injury, the abutting property owner shall be liable in damages.
(Code 1986, § 32-109)

Sec. 32-110. Action over by city for judgments against it.

If any judgment is obtained against the city as a result of the absence of any sidewalk or the negligently defective condition thereof, owing to personal injuries received by any person more than five (5) days after the service of a notice as provided in section 32-105 of this Code, the city attorney shall institute proper legal proceedings against such property owner for the recovery over of the amount of any such judgment.
(Code 1986, § 32-110)

Secs. 32-111 -- 32-125. Reserved.

ARTICLE VI. SIDEWALK OPENINGS AND GRATINGS

Sec. 32-126. Open gratings prohibited.

All gratings or openings of any type in sidewalks through which filth, water or expectoration may fall or be thrown, are declared to be a nuisance, and are prohibited.
(Code 1986, § 32-126)

Sec. 32-127. Gratings and openings for which permits may be issued.

No permit shall issue for placing any grating or opening in any sidewalk except upon condition that such opening shall be covered with a solid surface which will prevent filth, water or expectoration from falling or being thrown through it. This section shall not be construed so as to prohibit the installation of underground vaults or chambers in connection with the operation of underground electric systems, which may require ventilation for the equipment to be placed therein, if the grating or other covering to be placed over such electric vault is of a type as is standard for such purposes.
(Code 1986, § 32-127)

Sec. 32-128. Construction requirements for use of space under sidewalk.

In the use of space under any sidewalk a sufficient retaining wall to sustain the roadway or street shall be constructed, and all end and division walls shall extend from the wall of the building to the curb line, and be of sufficient strength to sustain the sidewalk or roadway. The sidewalk in such cases shall be entirely of incombustible material. All openings in such sidewalk shall be covered with illuminating tile in iron frames, or with iron covers with rough surfaces. No plain surface of glass greater than six (6) inches square shall be allowed in any sidewalk.
(Code 1986, § 32-128)

Sec. 32-129. Leaving sidewalk openings uncovered or out of repair.

It shall be unlawful for any person to leave open any cellar or vault door or grating on any sidewalk in front of premises in the city or to allow any such structure to become or continue so defective as to endanger life or limb.
(Code 1986, § 32-129)

Secs. 32-130 -- 32-145. Reserved.

ARTICLE VII. DRIVEWAYS AND CURB CUTS

Sec. 32-146. Permits required.

No person shall construct a driveway across any sidewalk or cut or drop any curb within the city without first obtaining a permit from the city engineer.
(Code 1986, § 32-146)
Cross reference--Businesses, trades and occupations generally, Ch. 11.

Sec. 32-147. Location approval prerequisite to building permit.

The location of all curb cuts, points of ingress and egress from all streets, parking and loading areas for all uses shall be approved by the traffic engineer before a building permit shall be issued.
(Code 1986, § 32-147)

Sec. 32-148. Plot plan required.

All applications for permits required by this article shall include a plot plan, drawn to scale and fully dimensioned, showing the location and design of all curb cuts, points of ingress and egress and parking and loading facilities.
(Code 1986, § 32-148)

Sec. 32-149. When permits not to issue.

Permits shall not be issued for any curb cut for the purpose of ingress or egress from any through street as designated by section 24-207 and section 24-501 of this Code unless the applicant shall provide adequate space and proper driveways or other such facilities for a vehicle to be turned around totally within the property to be served by the curb cut so that it will not be necessary to either back the vehicle onto the property for purposes of parking, loading or unloading, or to back a vehicle from the property into the public street; provided that, this restriction shall not apply to property used for single-family or two-family dwellings except when such dwellings are located on a through street as designated in section 24-501 of this Code.
(Code 1986, § 32-149)

Sec. 32-150. Maximum width.

The maximum width of any driveway or curb cut shall not exceed sixty (60) feet from face to face of curb.
(Code 1986, § 32-150)

Sec. 32-151. Safety aisle between driveways.

Where there are two (2) or more driveways, there shall be a safety aisle between each of not less than ten (10) feet in length and built up to the normal curb grade.
(Code 1986, § 32-151)

Sec. 32-152. Curbs and gutters required.

(a) All new construction or alteration of curb cuts, points of ingress and egress from all streets, parking and loading areas for all uses except single and two (2) family residences shall be required to construct curbs and gutters.

(b) Where the existing grade is not that of the permanent street grade, temporary delineation may be used in lieu of curb and gutter. This construction shall be composed of grass plots and chain fences or other temporary construction as approved by the city engineer and the traffic engineer. When permanent grades are established curbs and gutters will be installed by the property owners.
(Code 1986, § 32-152)

Secs. 32-153 -- 32-165. Reserved.

ARTICLE VIII. ADDRESS NUMBERING SYSTEM

Sec. 32-166. System established.

An address numbering system of the city shall be developed by the City Engineer and the Hamilton County GIS Office in conformity with the provisions of this article. It is the intent of this section to develop uniform address numbering for all locations within the City of Chattanooga in order to facilitate finding address locations in the event the need for emergency services occurs; and to assist police, fire and other City employees to provide necessary services to all citizens of the City of Chattanooga whenever such services are needed.
(Code 1986, § 32-166; Ord. No. 10847, § 1, 5-4-99; Ord. No. 12127, § 1, 5-20-08)

Sec. 32-167. Division of blocks into numbering spaces.

Every city block shall be measured for the purpose of address numbering into frontage and spaces. Such measurement shall be made under the direction of the City Engineer and the Hamilton County GIS Office.
(Code 1986, § 32-167; Ord. No. 10600, § 1, 8-5-97; Ord. No. 10847, § 1, 5-4-99; Ord. No. 12127, § 1, 5-20-08)

Sec. 32-168. Base lines.

For the purpose of ascertaining street numbers, the frontage of all streets in the city shall be measured by a uniform method from common base lines.

The currently established baselines are as follows:

2.4.1. Eastern brow (top cliff line) of Lookout Mountain; generally coincides with the city limits of the City of Lookout Mountain, Tennessee.

2.4.2. Scenic Highway from the Georgia State Line to its intersection at Cummings Highway to the western Hamilton County Line.

2.4.3. McCallie Avenue and its continuation as Brainerd Road from Holtzclaw Avenue to its end at Lee Highway, then along East Brainerd Road to the Western & Atlantic Railroad crossing.

2.4.4. Dayton Boulevard, and its continuation as Dayton Pike, from Stringer's Ridge Tunnel to the northern county line.

2.4.5. North Market Street from the Tennessee River bridge to the northern end of North Market Street and its projection to Matlock Street.

2.4.6. Central Avenue and its projection from the Georgia-Tennessee state line north to the CSX Railway crossing, then west along the railroad to Alton Park Boulevard (near 33rd Street), then north along Alton Park Boulevard to Market Street, then north along Market Street to the Tennessee River bridge.

2.4.7. Tennessee River east and west of Market Street Bridge.
(Code 1986, § 32-168; Ord. No. 10847, §1, 5-4-99; Ord. No. 12127, § 1, 5-20-08)

Sec. 32-169. Numbering streets not terminating on base lines.

All streets not terminating upon the base lines specified in the preceding section shall be numbered in the same manner as contiguous streets, beginning at the northern termination of the street, if running north and south, and at the eastern termination if running east and west and lying west of Market or Cowart Streets, and at the western termination if lying east of such streets.
(Code 1986, § 32-169; Ord. No. 10847, § 1, 5-4-99; Ord. No. 12127, § 1, 5-20-08)

Sec. 32-170. Odd and even numbers.

On streets running north and south the odd numbers shall be assigned to the western side and the even numbers to the eastern side. On streets running east and west the odd numbers shall be assigned to the northern side and the even numbers to the southern side on all streets running in regular sequence from the point in each block nearest the base line.
(Code 1986, § 32-170; Ord. No. 10847, § 1, 5-4-99; Ord. No. 12127, § 1, 5-20-08)

Sec. 32-171. Each block to begin with the first number of its sequence.

If the spaces of any one block are not sufficient to exhaust the series of one hundred (100) numbers thereto belonging, the next block shall nevertheless begin with the first of the succeeding sequence of one hundred (100) numbers, continuing in regular sequence until all the spaces on such block are numbered.
(Code 1986, § 32-171; Ord. No. 10847, § 1, 5-4-99; Ord. No. 12127, § 1, 5-20-08)

Sec. 32-172. Property owner to install correct address number.

(a) Any street number placed on property within the City shall correspond with the number assigned to the street location upon which every structure stands as ascertained and designated by the City Engineer. Any property owner who fails to accurately number a structure in the manner provided by this chapter within thirty (30) days after receiving legal notice so to do from the City Engineer, the Chief Building Official or their respective designees shall be guilty of a violation of this chapter.

(b) The provisions of this subsection shall apply to owners of single-family and two-family residences. Every property owner shall place the address number in a conspicuous position near the front property line of each street address or, if a parcel is not adjacent to a public right-of-way, in a conspicuous place near the primary means of ingress and egress to such address. Whenever possible, address numbers shall be placed on the same side of the primary means of ingress and egress as the main structure on the property. Such address numbers shall be posted (i) on the structure within five (5) feet of the front door, provided that the front door is clearly visible from the street in front of the residence, (ii) on the mailbox of the residence, (iii) on a metal rod in close proximity to the mailbox or to the primary means of ingress and egress to the property, or (iv) directly on the street curb in a uniform manner and color approved by the City Engineer. In no case shall the address numbers be placed more than ten (10) feet from the edge of the street. If there is more than one driveway entrance and the driveway entrances serve different units, the street address and unit designation shall be placed near each such driveway entrance or on the mailbox near each such driveway entrance. Whether posted on the mailbox or on a metal rod, all address numbers shall be not less than two and one-half inches in height and shall be made of reflective material.

(c) The provisions of this subsection shall apply to owners of multi-family residences other than two-family residences. Any multi-family residential development with a sign or signs designating the name of the development shall have the address numbers placed on all such signs. Any multi-family residential development without a sign designating the name of the development and any multi-family residential development with such a sign or signs with a setback of more than twenty-five feet from the closest edge of the street shall have the address numbers placed in a conspicuous position near the front property line or, if the property is not adjacent to a public right-of-way, in a conspicuous place near each entrance to such property. Such address numbers shall be posted either (i) on each mailbox on the property if the mailbox is directly in front of the unit for which the mailbox is designated or (ii) on a metal rod in close proximity to the mailbox or to the primary means of ingress and egress to the property, but in no case shall the address numbers be placed more than ten (10) feet from the edge of the street. Whether posted on the mailbox or on a metal rod, each number shall be not less than two and one-half inches in height and shall be made of reflective material. Whenever possible, such address numbers shall be placed on the same side of the primary means of ingress and egress as the main structure or structures on the property. In addition to posting the address numbering as set forth in this subsection, the owner of any multi-family residence shall place address numbering upon each individual unit in the development on or near the front door of each such unit. The owner of any multi-family residence in which the primary means of ingress and egress to the units is into an interior hallway shall also place address numbering upon the building itself on or near the entrance from the outside into the building.

(d) All commercial and manufacturing property within the City shall be posted with address numbering located at the street near the principal entrances for such structures in a manner approved by the City Engineer as provided in § 32-176.
(Code 1986, § 32-172; Ord. No. 10847, § 1, 5-4-99; Ord. No. 12127, § 1, 5-20-08)

Sec. 32-173. When address numbers to be affixed to new buildings.

Each property owner or authorized representative of a property owner shall install the address number upon such building prior to the issuance of a certificate of occupancy by the Building Official.
(Code 1986, § 32-173; Ord. No. 10847, § 1, 5-4-99; Ord. No. 12127, § 1, 5-20-08)

Sec. 32-174. Obliterated, indistinct numbers to be replaced.

Whenever an address number becomes obliterated or indistinct, the property owner of every such building shall procure and place thereon the correct number, within thirty (30) days after receiving written notice to do so from the Building Official, an Inspector of the Department of Neighborhood Services, the Police Chief or the Fire Chief.

(Code 1986, §32-174; Ord. No. 10847, §1, 5-4-99; Ord. No. 11345, § 13, 11-12-02; Ord. No. 12127, §1, 5-20-08)

Sec. 32-175. When address renumbering required.

All owners of buildings on streets or parts of streets, the names or numbers of which have been changed shall, within thirty (30) days of the passage of the resolution effecting such name change, or in cases where readdressing without name change is required, be notified by the City Engineer or his designee of the effective date of the new address, and within thirty (30) days of said effective date, ascertain the proper numbers of their buildings on such newly named or numbered streets and affix new address numbers in compliance with this Article.
(Code 1986, §32-175; Ord. No. 10847, §1, 5-4-99; Ord. No. 12127, §1, 5-20-08)

Sec. 32-176. Size of numbers generally; style, location to be approved.

In all instances the figures used for address numbers on residences, multi-family residences, commercial, and manufacturing buildings in the City of Chattanooga shall be of sufficient size to be readily seen from the middle of the street, not less than two and one-half (2½) inches high in any case and made of reflective material. Except as otherwise provided in § 2-172, such numbering shall be installed in at least one of the following approved locations:

(1) Address numbering on structure within five (5) feet of the front door;

(2) Curb numbers painted directly onto the street curb in front of the building in a uniform manner and color approved by the City Engineer;

(3) Marked with a reflective address numbering stake installed in open view no more than ten (10') from the right front property corner when viewed from the street;

(4) On the mailbox, as long as it is on the property standing alone, with numbers at least two and one-half (2½) inches in height;

(5) Any awning over the front doorway of a commercial or manufacturing building shall contain address numbering; or

(6) Any alternative methods authorized and approved in the sole discretion of the City Engineer.

Reflective street numbers shall be furnished and placed on the curb or in front of the building at the expense of the property owners of such buildings. The style of the numbers and the manner of placing them, including their location upon the building, shall be subject to the approval

of the City Engineer. Whenever multiple buildings are located on property designated with a single street address, each building shall be uniquely identified by numbering and/or signage approved by the City Engineer.
(Code 1986, § 32-176; Ord. No. 10847, § 1, 5-4-99; Ord. No. 12127, § 1, 5-20-08)

Sec. 32-177. Information to be furnished by City Engineer.

The office of the City Engineer shall inform all owners or occupants of any buildings who may apply to that office, with the aid of the data in that office or within the knowledge of that office, as to the proper number of their respective buildings, without any charge for the information. The City Engineer will provide assistance in locating address numbers at a street location in conformity with § 32-176.
(Code 1986, § 32-177; Ord. No. 10847, § 1, 5-4-99; Ord. No. 12127, § 1, 5-20-08)

Sec. 32-178. Standard Street Numbering and Addressing Policy.

The City Council may from time to time adopt by resolution and/or ordinance any necessary amendments for clarification and practicality to assist in the development of an accurate and consistent street addressing system for the benefit of the community law enforcement, fire, rescue, postal delivery and other service agencies. All address numbering will be developed after submission to the Chattanooga-Hamilton County Regional Planning Commission and consideration of its recommendations in accordance with T.C.A. § 13-4-104. Street addressing changes shall be recommended by the City Engineer and considered by the City Council only one time annually unless there is sufficient evidence presented to the Council that if an address is not immediately changed it will constitute an imminent danger to the public health, safety and welfare of the citizens.
(Ord. No. 12330, § 1, 12-08-09)

Secs. 32-179 -- 32-195. Reserved.
(Ord. No. 12330, § 1, 12-08-09)

ARTICLE IX – STREET NAMES

Sec. 32-196. Establishment.

The official name of any dedicated street or right-of-way within the city shall be that name assigned to it and recorded on the last records on file at the county register's office or in the City Council Clerk’s office. The City Council shall have the sole authority to amend, supplement or change the name of any dedicated street or street right-of-way, subject to the provisions of this

article and subject to Article VIII of this Chapter. Street names may be changed individually or by adoption of a complete list that includes multiple changes.
(Ord. No. 12330, §2, 12-08-09)

Sec. 32-197. Method of procedure to change street and right-of-way names.

(a) A proposed change of any name of any dedicated street or right-of-way shall be by resolution and, other than those originated by the city's governing body, Mayor, or the City Engineer, shall originate by a petition signed by two-thirds of the parties owning a fee or holding a leasehold interest in real property, buildings, or fixtures abutting or fronting the subject street or right-of-way. For purposes of this section, the signature of any one owner of undivided interest in property owned as tenants by the entirety or tenants in common, and the signature of an authorized representative of any corporation or partnership, shall be sufficient to satisfy this requirement. Such petition shall be filed with the City Engineer along with a completed application form and payment of the application fee in the amount of three hundred fifty dollars ($350.00).

(b) The City Engineer, or his designee, shall check the proposed street name against the current street database listing for appropriateness according to the provisions of this article and make a recommendation to City Council. If the request for change is not due to a petition, governing body request or a request from the Mayor as outlined in the preceding paragraph, but rather is necessary for public safety, the City Engineer shall notify the affected residents of the need for a change and poll them for a street name that meets the provisions of City Code and the Regional Addressing Policy as amended and adopted by City Council.

(c) No change, amendment, or supplement to any name of any dedicated street or right-of-way shall be effective unless approved in a resolution which receives the favorable vote of a majority of the entire membership of the city council. No name changes to any existing street shall be recommended by the City Engineer unless there is a sufficient showing to the City Council that some imminent danger to the public health, safety and welfare of the citizens will occur unless an existing street name is changed. Upon approval of a resolution which provides for any change, amendment, or supplement to any name of a dedicated street or right-of-way, the city engineer shall notify all utilities, the United States Post Office, and Hamilton County Emergency Services (9-1-1) of such action by certified mail, return receipt requested.
(Ord. No. 12330, §2, 12-08-09)

Sec. 32-198. Continuation of streets.

Any street or right-of-way dedicated after the effective date of Ordinance No. 7881 that is, or essentially is, an extension of an existing street shall be given the name of the existing street. However, any new streets crossing the base line (zero grid line) must be assigned a different name as set forth in the Street Numbering and Addressing Policy adopted by Resolution No. 21472.

(Ord. No. 12330, §2, 12-08-09)

Sec. 32-199. Duplication of street names.

No new names for any new streets or dedicated right-of-ways shall be issued any name by the City Engineer using any street name which would duplicate or approximate, by means of spelling, pronunciation, or by use of alternate suffixes or prefixes (such as East, West, North, South, New, Old, Lane, Way, Drive, Court, Avenue, or Street) any existing or platted street name in the county.

(a) When duplicate street names are known to cause any emergency response or service response problems on existing streets within the City by the City Engineer, the street segment with the earliest date of plat recording within the City of Chattanooga shall be given preference whenever possible. Any suggestions for street name changes will be presented to the City Council and shall be evaluated in conjunction with renumbering of addresses in order to affect the fewest number of residents or businesses and after consideration of any other site specific criteria which may be identified by the City Engineer. Street names for existing streets having prefixes (such as East, West, North, South, New, or Old) shall not be changed unless there is sufficient evidence presented to the City Council that if an address is not changed it will constitute an imminent danger to the public health, safety and welfare of the citizens affected. The viability of readdressing or renumbering duplicate street names or phonetically similar street names will be considered by the City Engineer before suggesting any existing street name changes. Vacant properties shall not be considered when counting the number of affected parcels. The City Engineer shall have sole discretion in selecting the segments of any existing roads to be renamed, notwithstanding any other provision of this section.

(b) When duplicate street names are found to be within a local, state, or national historic district or would necessitate readdressing of properties found on the National Register of Historic Places, preference shall be given to the historic street name whenever possible.

(c) If a duplicate street name occurs in more than one local, state, or national historic districts or is used by more than one property found on the National Register of Historic Places, preference shall be given to the oldest instance of said street name whenever possible.

(d) Nothing contained in this section shall be construed to allow duplicate street names within the same local, state, or national historic district. Duplicate street names within the same local, state, or national historic district should be changed to reflect the historic significance of the local, state, or national historic district without duplicating existing street names.
(Ord. No. 12330, §2, 12-08-09)

Sec. 32-200. Alteration and damage to street signs and street poles.

It shall be unlawful for any person to alter, mutilate, deface, damage, or destroy any street sign or sign pole; and it shall further be unlawful to post or affix any notice, poster, bill, bumper sticker, or other paper or device, calculated to attract the attention of the public to any street sign or sign pole.
(Ord. No. 12330, §2, 12-08-09)

Secs. 32-201 -- 32-215. Reserved.
(Ord. No. 12330, §2, 12-08-09)

ARTICLE X. POLES AND WIRES

Sec. 32-216. Permit to erect poles--Required; how issued; conditions.

No pole shall be erected by any public service corporation on any street in the city without a permit to do so. Such permits shall be issued by the department of public works, streets and airports and the city engineer jointly, and shall be countersigned by the commissioner of public works, streets and airports. They shall be issued upon such conditions as to the erection and use of such poles as may be determined by the commissioner.
(Code 1986, § 32-216)

Cross reference--Businesses, trades and occupations generally, Ch. 11.

Sec. 32-217. Same--Grounds for refusal.

When any public service corporation applies to the department of public works, streets and airports for a permit to erect poles in any street where another public service corporation has already erected poles, the commissioner of public works, streets and airports shall refuse to issue a permit for poles to be erected at any places in such street where, in his opinion, the erection of additional poles will unreasonably interfere with the public safety or convenience and where another public service corporation already has poles which are reasonably sufficient to carry the wires of both corporations without material damage to either.
(Code 1986, § 32-217)

Sec. 32-218. Use of poles for wires of other corporations.

When necessary to avoid unreasonable inconvenience or danger to the public, all public service corporations maintaining poles in the streets of the city for wires shall be required to permit the wires of other public service corporations to be placed on such poles.
(Code 1986, § 32-218)

Sec. 32-219. Notice to permit use of poles.

Whenever the commissioner of public works, streets and airports declines to permit the erection of any additional poles, as provided in the preceding section, he shall notify the corporation whose poles have already been erected to permit the corporation applying for additional poles to use its poles upon reasonable compensation. It shall be unlawful for a corporation whose poles have already been erected to refuse to comply with such notice.
(Code 1986, § 32-219)

Sec. 32-220. Bond for use of poles by other than owner.

When any public service corporation has been notified to permit the use of its poles by another corporation, if the two (2) corporations are unable to agree upon the terms of compensation upon which such use shall be permitted, the corporation requesting the use of the poles may proceed to place its wires upon the poles of the corporation which owns them, upon delivering to such corporation a solvent bond in an amount double the cost of purchasing and erecting the poles sought to be used, conditioned to pay reasonable compensation for the use of such poles.
(Code 1986, § 32-220)

Sec. 32-221. City may use top of pole.

The city may use the top of all poles erected in the streets by public service corporations for fire alarm wires, if the necessity arises, subject to such restrictions as to the manner of putting up such wires as the corporation may make, but without paying compensation for such use.
(Code 1986, § 32-221)

Sec. 32-222. Maintenance of equipment.

All poles, cross arms, etc., in use shall be kept in good order and condition.
(Code 1986, § 32-222)

Sec. 32-223. Unused equipment to be removed.

Poles and wires of public service corporations on the streets of the city which remain unused for a period of thirty (30) days shall be taken down by the corporation owning them upon order from the mayor. The city engineer may remove any unused poles and wires so ordered removed at the expense of the corporation owning them.
(Code 1986, § 32-223)

Secs. 32-224 -- 32-230. Reserved.

ARTICLE XI. TELECOMMUNICATIONS SERVICES; FRANCHISES FOR TELECOMMUNICATIONS SERVICES

Sec. 32-231. Definitions.

For the purposes of this Article, the following definitions shall apply:

"City of Chattanooga" and "City" shall mean the City of Chattanooga, Tennessee, but shall not include the Electric Power Board of the City of Chattanooga unless specifically so stated.

"Gross revenue" shall mean all revenues of any kind collected by Provider from any source whatsoever for customer access to a long distance telephone carrier or provider using a Telecommunications Services system within the City of Chattanooga. For the purposes of this section, "gross revenue" shall not include (1) any taxes which are collected by Provider from its customers, (2) lease or rental fees received from a lessee or sublessee of Provider's System for which a five percent (5%) franchise fee on the lessee's or sublessee's gross revenue is paid to the City pursuant to this Article, or (3) revenues from sale of capacity in Provider's System for which a franchise fee on the purchaser's gross revenue is paid to the City pursuant to this Article.

"Provider" shall mean any person who owns, leases, operates, installs, purchases capacity in or maintains any network or equipment within the City of Chattanooga for Telecommunications Services containing communication cables, wires, lines, towers, wave guides, optic fiber, microwave, laser beams or conduit and any associated converters, equipment or facilities designed and constructed for the purpose of producing, receiving, amplifying or distributing, by audio, video or other forms of electronic signals to or from subscribers or locations within the City of Chattanooga, and not including cable television, (hereinafter collectively referred to as "Provider's System" or "System") in, on or over the public rights-of-way of the City of Chattanooga.

"Telecommunications Services" shall mean all telephone and telegraph services of any kind whatsoever including, but not limited to, the following: (1) services interconnecting interexchange carriers for the purpose of voice or data transmission; (2) services connecting interexchange carriers or competitive carriers to telephone companies providing local exchange services for the purpose of voice or data transmission; (3) services connecting interexchange carriers to any entity, other than another interexchange carrier, or telephone company providing local exchange services, for the purpose of voice or data transmission; (4) services providing private line point-to-point service for end users for voice and data transmission; and (5) local exchange telephone services. (Ord. No. 10377, § 1, 2-6-96)

Sec. 32-232. Services prohibited without franchise and without authorization from State of Tennessee.

No person or entity shall use the public rights-of-way in the City for Telecommunications Services without first having received a franchise from the governing body of the City for Telecommunications Services. No person shall provide services directly regulated by the Tennessee Public Service Commission (or any successor agency) under Tennessee law unless so authorized by the Public Service Commission, if such authorization is required. No person or entity shall use the public rights-of-way in the City for video dial tone or Personal Communication service without first having received a franchise from the governing body of the City for Telecommunications Services.
(Ord. No. 10377, § 1, 2-6-96)

Sec. 32-233. Application for telecommunications franchise; application fee.

Any entity desiring to construct, operate, lease or purchase capacity (for resale) in a Telecommunications System within the rights-of-way of the City shall make application for a franchise from the City to the office of the City Engineer on the form provided by the City Engineer. Such application shall be accompanied by an application fee of Seven Hundred Fifty Dollars ($750.00).
(Ord. No. 10377, § 1, 2-6-96)

Sec. 32-234. General provisions for telecommunications services.

Any Provider shall comply with any special requirements of the office of the City Engineer or office of the City Traffic Engineer with respect to the specific location and installation of Provider's System and with respect to any other matters which affect the installation, operation and maintenance of Provider's System; to the maximum extent possible, Provider's System shall be installed underground, provided that Provider's System may be installed above ground where either telephone or electric utility facilities are above ground at the time of installation. To the extent that Provider installs its System in underground ducts, Provider shall provide to the City one duct of equal size to that of Provider's for the City's exclusive use; if Provider installs its own poles, Provider will reserve space on said poles for the City to install its own line on said poles. To the extent that Provider installs fiber optic fibers for its System, Provider agrees to provide the City with four (4) dark fiber optic fibers and access thereto (including lateral connections) on Provider's System, at no cost to the City for the City's unrestricted exclusive use; Provider shall also provide coordination and engineering assistance to the City for providing such fiber optic accesses for initial hookup as the City may desire at no cost to the City. City will not sell or lease said fibers to any competitor or potential customer of Provider during the term of any franchise to Provider for Telecommunications Services. Provider, with the prior written approval of the City Engineer and the City Traffic Engineer, may make minor deviations from the Provider's System as shown in the map attached to Provider's franchise ordinance in the event unforeseen problems necessitate the rerouting of said System.

Provider will comply with all applicable city ordinances and state laws, including but not limited to obtaining building permits, street cut permits and any other permits required by applicable law.
(Ord. No. 10377, § 1, 2-6-96)

Sec. 32-235. Engineering designs for telecommunications services systems; "as built" drawings for systems.

Engineering designs for Provider's System will be prepared by a competent engineering group which shall be licensed by the state if required by state law and installation will be performed by a competent contractor which shall be licensed by the state if required by state law, and Provider will furnish said engineering designs to the City not less than thirty (30) days prior to commencement of construction. Provider will provide to the City Engineer "as built" drawings of its System within one hundred twenty (120) days of completion of the initial phase of said System; Provider shall update said drawings within one hundred twenty (120) days of the completion of any material change to Provider's System; said "as built" drawings shall include, at a minimum, the routing of Provider's System and the location of all amplifiers, power supplies and system monitor test points, provided that if Provider already has its System, or a portion thereof, in place as of the effective date of this Section, Provider shall provide such "as built" drawings to the City Engineer within the time provided in such Provider's franchise ordinance.
(Ord. No. 10377, § 1, 2-6-96)

Sec. 32-236. No adverse effect upon adjacent properties.

Under no conditions will the installation of Provider's System adversely affect any properties adjacent to the public rights-of-way without the prior express written permission of the owner of such properties.
(Ord. No. 10377, § 1, 2-6-96)

Sec. 32-237. No adverse effect upon other utilities.

Under no conditions will the installation of Provider's System adversely affect any existing utilities without the prior express written permission of such utilities. Provider's system will not physically interrupt or interfere with the facilities in the public rights-of-way of the Chattanooga Gas Company, BellSouth, the Electric Power Board of Chattanooga, the water utility in whose area Provider's System is located, Chattanooga Cable TV Company, and any other utilities or companies holding a franchise in any right-of-way in which Provider's System is to be located. Provider is responsible for ensuring compliance with this section.
(Ord. No. 10377, § 1, 2-6-96)

Sec. 32-238. Restoration of public rights-of-way.

Provider shall promptly restore to its original condition in accordance with the City's standard specifications for streets and sidewalks any street pavement, sidewalks or other portions of the public right-of-way disrupted by construction of Provider's System. By acceptance of any franchise from the City to provide Telecommunications Services, Provider warrants the restoration of any disturbed right-of-way or part thereof. Provider will, to the maximum extent possible, coordinate all system installation, repairs and maintenance with other utilities and franchisees so as to minimize the number of street cuts and interruption of traffic within the City.
(Ord. No. 10377, § 1, 2-6-96)

Sec. 32-239. Maintenance of telecommunications services system in safe condition.

Provider shall maintain Provider's System in a safe condition during the term of any franchise it holds from the City.
(Ord. No. 10377, § 1, 2-6-96)

Sec. 32-240. Notification of execution of any security agreement or similar agreement concerning telecommunications services systems.

Provider will notify the City of the execution of any security agreement or similar agreement concerning any of the facilities and property, real or personal, of the Provider located in the City of Chattanooga and will, upon three (3) business days notice, allow the City to inspect any such agreements in Chattanooga, Tennessee.
(Ord. No. 10377, § 1, 2-6-96)

Sec. 32-241. Indemnification of City by Providers.

Provider will defend, indemnify and hold harmless the City, its officers, employees, successors and assigns from any and all actions or claims for damages arising out of or related to the operation, installation or maintenance of Provider's System.
(Ord. No. 10377, § 1, 2-6-96)

Sec. 32-242. Insurance to be maintained by Providers.

Provider will provide for approval by the Office of the City Attorney evidence of general liability insurance to further indemnify the City against losses of whatever kind and nature as a result of Provider's System being in the public right-of-way with limits of liability not less than those set forth in the Tennessee Governmental Tort Liability Act, as amended from time to time. Such insurance policy or policies shall name the City of Chattanooga as an additional insured and shall provide that the same may not be canceled for any reason except after thirty (30) days' written notice to the City.
(Ord. No. 10377, § 1, 2-6-96)

Sec. 32-243. Removal or relocation of systems.

In the event the City shall need the right-of-way for the purpose of providing public improvements either to the street or the public right-of-way, for the best interest of the public or in the event the City abandons a public right-of-way and does not reserve an easement for Provider, and Provider's System or any part thereof should need to be relocated or removed, such relocation or removal will be done at the sole expense of the Provider; in the event Provider fails or refuses to timely complete such relocation or removal, the City shall have the right to perform such relocation or removal, and Provider shall promptly reimburse the City for all costs associated therewith.
(Ord. No. 10377, § 1, 2-6-96)

Sec. 32-244. Assignment of franchise; lease or sale of capacity.

No Provider shall assign or transfer any franchise from the City without the prior approval of the Chattanooga City Council by ordinance or resolution, which approval shall not be unreasonably withheld. No Provider shall lease or rent any portion of the right-of-way it uses to any other entity which has not obtained a franchise for Telecommunications Services from the City, and no Provider shall sell, lease or rent any portion of or capacity in Provider's System to any other entity which has not obtained a franchise for Telecommunications Services from the City.

A mortgage, lien, deed to secure debt, deed of trust, security interest or other encumbrance of Provider's franchise as a part of acquiring, constructing, equipping or maintaining Provider's System shall not be considered a violation of this section; any such creditor shall be entitled to all the rights and remedies granted to same in any documents relating to any such transaction, provided that any sale or transfer of Provider's System or any portion thereof following a foreclosure sale shall be subject to the prior approval of the Chattanooga City Council by ordinance or resolution, which approval shall not be unreasonably withheld.
(Ord. No. 10377, § 1, 2-6-96)

Sec. 32-245. Removal of obsolete equipment.

When Provider opens a trench, accesses a conduit or boring, or is working on aerial locations, or when Provider is aware that any other franchisee or public utility is opening a trench, accessing a conduit or boring, or is working on aerial locations with access to Provider's System, Provider shall remove all of its obsolete communication cables, wires, lines, towers, wave guides, optic fiber, microwave, laser beams, conduit and all of its obsolete associated converters, equipment or facilities while they are open without interfering with the efficient operation of other public utilities. In the event Provider's franchise is terminated, forfeited or abandoned, the City may require Provider to remove Provider's System or any portion thereof from the public right-of-way within a reasonable period of time, and in the event Provider fails to do so the City may, at its option, remove Provider's System or any portion thereof from the public right-of-way and seek reimbursement therefor from Provider or from any performance bond posted by Provider in favor of the City.
(Ord. No. 10377, § 1, 2-6-96)

Sec. 32-246. No cost to City arising out of franchise.

The City shall incur no costs or expenses as a result of granting any franchise to Provider or as a result of connecting to Provider's System (other than usual and customary fees for the use of Provider's System in the event the City utilizes same).
(Ord. No. 10377, § 1, 2-6-96)

Sec. 32-247. Performance bond from Providers.

Any Provider shall, during construction of any phase of Provider's System, post a bond, in form satisfactory to the Office of the City Attorney, in the amount of the lesser of (i) Two Hundred Fifty Thousand Dollars ($250,000.00) or (ii) the cost of such construction, to secure the performance of all of Provider's obligations under Provider's franchise and this Article including, but not limited to, the cost of removal of Provider's System from the public right-of-way in the event Provider's franchise is terminated or abandoned and the cost of repairing any damage to the City rights-of-way in the event Provider fails to repair same.

For a period of one year after the City Engineer has certified satisfactory completion of construction of Provider's System or any part thereof to the City's standards set forth in Provider's franchise ordinance and this Article and to any applicable standards otherwise imposed by law, Provider shall post a bond, in form satisfactory to the Office of the City Attorney, in the amount of Fifty Thousand Dollars ($50,000.00) to secure the performance of all of Provider's obligations under Provider's franchise ordinance and this Article including, but not limited to, the cost of removal of Provider's System from the public right-of-way in the event Provider's franchise is

terminated or abandoned and the cost of repairing any damage to the City rights-of-way in the event Provider fails to repair same.
(Ord. No. 10377, § 1, 2-6-96)

Sec. 32-248. Franchise fee from Providers.

Provider shall pay to the City on a quarterly basis a franchise fee of five percent (5%) of the gross revenue, as defined in Section 32-231 above, of the Provider. Payments of said franchise fee shall be due and payable on or before the fifteenth day of February, May, August and November of each year for the preceding calendar quarter.

In the event it is determined that the City is not permitted by law or otherwise to assess or collect a franchise fee based upon Provider's gross revenues, then an annual franchise fee based upon a flat fee per linear foot of public right-of-way in which Provider has installed it's System in the City's public right-of-way shall be paid by the Provider to the City according to the schedule set forth in the chart below (which will be amended before the year 2002 to establish said fee for subsequent years):

Payment Due	Fee Per Linear Foot
1997	$1.00
1998	$1.05
1999	$1.15
2000	$1.21
2001	$1.27

Such payment shall be due and payable thirty (30) days after the end of each calendar year or, if the Provider pays its taxes based upon a fiscal year ending other than on December 31, such payment shall be due and payable thirty (30) days after the end of each fiscal year of the Provider.

Provider shall submit to the City with its franchise fee payments a sworn report showing total revenue, detailed by category, received by Provider from the operations of Provider's System during the preceding calendar quarter. Provider shall also make available in the City of Chattanooga for inspection by the City, upon three business days' notice, independently audited financial statements showing all revenue, detailed by category, received by Provider during the preceding calendar or fiscal year.

Upon fifteen (15) days' written notice from the City, Provider shall make available in Chattanooga all books and records of the Provider which are requested by the City for audit purposes to ensure that franchise fees in the proper amount have been paid. In the event any such audit reveals that Provider has paid less than ninety-seven percent (97%) of any portion of any franchise fee payment due to the City, Provider shall reimburse the City for the cost of any such

audit as well as for any franchise fee payment which is overdue together with interest thereon as provided below.

In the event any franchise fee payment due under this section is paid late, Provider shall also pay interest thereon at the rate of eighteen percent (18%) per annum for any period such payment is late. No portion of the franchise fee shall be noted separately on bills to customers except as required by law.

Notwithstanding anything herein to the contrary, the franchise fees payments due under this section shall be paid beginning January 1, 1997.
(Ord. No. 10377, § 1, 2-6-96)

Sec. 32-249. Default of Providers.

(a) The occurrence of any one or more of the following events, at the City's sole option, shall constitute an Event of Default by the Provider under any franchise from the City for Telecommunications Services:

(1) The Provider shall fail to pay when due any franchise fee as and when such fee becomes due or any lessee or sublessee of Provider's System shall fail to pay any franchise fee as and when such fee becomes due as set forth in Section 32-248 above.

(2) The Provider shall fail to observe or perform any other obligation to be observed or performed by it under this Article.

(3) The Provider shall dissolve or discontinue the Provider's business, or transfer all or substantially all of the property of the Provider without the prior consent of the Chattanooga City Council by ordinance or resolution.

(4) A judgment creditor of the Provider other than the holder of a valid security interest in Provider's System shall obtain possession of any portion of the Provider's System in the public rights-of-way of the City by any means.

(5) That Provider fails to begin actual construction on Provider's System within six (6) months of the date Provider obtains a franchise for Telecommunications Services from the City, or Provider has not substantially completed Provider's system as set forth in the franchise from the City to Provider within two (2) years of the date Provider obtains a franchise for Telecommunications Services from the City.

(b) Upon the occurrence of an Event of Default specified in this section, the City shall notify Provider in writing of such Event of Default and identify the Event of Default; such notice shall also notify Provider that the franchise from the City to Provider for Telecommunications Services is considered forfeited by Provider and canceled not less than fifteen (15) business days from the date of receipt of such notice by Provider unless such default, violation, non-compliance or other event causing forfeiture of said franchise specified in the notice has been cured within said fifteen (15) business days.

(c) Before any franchise for Telecommunications Services may be terminated and canceled, Provider shall be provided with an opportunity to be heard before the governing body of the City. In the event Provider desires to have a hearing before the City Council, Provider shall, within ten (10) business days of its receipt of the aforementioned notice, notify in writing the Clerk of the City Council of its desire for such a hearing; upon receipt of such a request for a hearing, the Clerk shall notify the Council at or before its next meeting of such request and the Council shall schedule a hearing upon such request. The termination of Provider's franchise shall be stayed until the conclusion of such hearing before the City Council. In the event the City Council determines that no Event of Default has occurred or that such default has been timely cured, Provider's franchise shall continue in full force and effect.

(d) In the event the City Council determines that a specific default cannot be cured within such fifteen (15) business day period and the Provider has timely instituted action necessary to cure such default, Provider shall be permitted to diligently pursue such cure to completion; the City Council may specify a time period within which Provider must cure such default, and in the event Provider fails to cure within such time period, Provider's franchise for Telecommunications Services shall be considered forfeited and canceled.
(Ord. No. 10377, § 1, 2-6-96)

Sec. 32-250. Notices.

Any notices or communication required in the administration of Provider's franchise for Telecommunications Services from the City shall be sent by hand delivery or by any method that assures overnight delivery and shall be addressed as follows:

If to the City: Office of the Mayor
Chattanooga City Hall
101 East 11th Street
Chattanooga, TN 37402

With a copy to: Office of the City Attorney
100 East 11th Street, Suite 200
Chattanooga, TN 37402

If to the Provider, to the address of Provider listed on the franchise ordinance from the City.
(Ord. No. 10377, § 1, 2-6-96)

Sec. 32-251. Nondiscrimination by Providers.

Provider will not discriminate against any employee or applicant for employment because of race, color, religion, sex or national origin, and Provider will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex or national origin. Such action shall include employment, upgrading, demotion, transfer, recruitment or recruitment advertising, layoff, termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. Provider will post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.
(Ord. No. 10377, § 1, 2-6-96)

Sec. 32-252. No grant of use of other utilities' property.

Nothing in this Article or in a Provider's franchise shall be deemed to grant to any Provider any rights to work in, use or attach to any facilities of the Electric Power Board of the City of Chattanooga, BellSouth or any other utility or entity occupying space in the public rights-of-way without the prior express written permission of any such entity.
(Ord. No. 10377, § 1, 2-6-96)

Sec. 32-253. Severance clause.

If any section, sentence, word or figure contained in this Article, other than the franchise fee in the first paragraph of Section 32-248, should be declared invalid by a final decree of a court of competent jurisdiction, such holding shall render any franchises for Telecommunications Services void in their its entirety and of no further force or effect, provided that in the event the alternate franchise fee in the second paragraph of Section 32-248 should be declared invalid by a final decree of a court of competent jurisdiction in addition to the franchise fee in the first paragraph of Section 32-248, such holding shall render any franchises for Telecommunications Services void in their entirety and of no further force or effect.
(Ord. No. 10377, § 1, 2-6-96)

Secs. 32-254 -- 32-270. Reserved.

ARTICLE XII. STREET CONSTRUCTION

Sec. 32-271. Purpose.

The purpose of this Article is to provide specifications and procedures for acceptance of public streets, sewers, stormwater facilities, and other infrastructure dedicated to the public through subdivision plans or otherwise.
(Ord. No. 11451, §1, 09-02-03; Ord. No. 11882, § 1, 9-5-06)

Sec. 32-272. Conformity to Official Plans.

When a tract of land to be subdivided includes any part of a proposed road or street shown on the General Plan, Land Use Plan, Major Street Plan, or any other plan adopted by the Planning Commission or City Council, such street right-of-way should be platted by the subdivider in the location so designated, and at the width specified in the subdivision regulations.
(Ord. No. 11451, §1, 09-02-03; Ord. No. 11882, § 1, 9-5-06)

Sec. 32-273. Street Design and Construction Standards.

(a) Pavement, cul-de-sac and right-of-way widths and radii must be per City of Chattanooga design and construction standards.

(b) The developer shall submit a pavement design prepared by a Tennessee licensed professional engineer for approval of the City Engineer. For subdivisions that will be constructed in stages, the pavement design shall be based on the number of lots from all stages and on a field evaluation of the subgrade soils conducted by a Geotechnical Engineer.

The Geotechnical Engineer shall complete a field evaluation of the roadway before any roadway construction begins. The Geotechnical Engineer shall conduct a field exploration of the soils along the roadway alignment at a spacing of no greater than five hundred (500) feet and obtain samples of the subgrade soils for laboratory evaluation. A composite soil sample of each soil type shall be obtained and tested for plasticity (Atterberg limits, ASTM D4318) and standard Proctor moisture-density relationship (ASTM D698). California Bearing Ratio (ASTM D1883) tests shall be conducted on a composite sample representative of the soil conditions, as determined by the Geotechnical Engineer. The California Bearing Ratio (CBR) test shall be conducted on soaked samples.

(c) Preliminary or final plat approval by the Planning Commission does not constitute permission to begin any street or utility construction. Street and utility construction plans may be approved as a whole or in part. Construction of approved portions of the work shall not precede issuance of applicable Land Disturbing Activity Permits.

(d) Quality assurance during construction will be required. The developer shall select a Geotechnical Engineering firm from the current Tennessee Department of Transportation ("TDOT") approved list and notify the city of that selection. Geotechnical firms who wish to provide quality assurance, but are not on TDOT approval list, may submit Tennessee DOT Form DT-0330 Parts I and II for approval at the discretion of the City Engineer. The geotechnical firm shall contract directly with the developer to provide quality assurance on the project. The developer shall be responsible for scheduling the geotechnical firm. Minimum testing requirements are described in this article. Location and scheduling of testing shall be coordinated with the City's representative for assurance of reasonable conformance with the requirements described in this article prior to performing tests to avoid the expense of retesting. Testing milestones shall be established during the Preconstruction Conference required in Section 32-288 (d) of this article. A final report by the geotechnical engineer that the quality assurance tests and inspections have been performed and the construction has been completed in substantial compliance with City of Chattanooga design and construction standards, specifications, and applicable portions of subdivision regulations will be required before the plat is recorded. The final report shall be compiled in accordance with all applicable ASTM standards for geotechnical reporting. One copy of the final report shall be given to the City.
(Ord. No. 11451, § 1, 09-02-03; Ord. No. 11737, § 1, 9-6-05; Ord. No. 11882, § 1, 9-5-06)

Sec. 32-274. Grading.

(a) Before grading is started, the construction areas shall be cleared of all trees, stumps, roots, weeds, logs, heavy vegetation, and other objectionable matter, and shall be grubbed to a depth below the proposed grade in cuts and the natural ground in fills so as to expose suitable subgrade. The objectionable matter shall be removed from within the right-of-way limits and disposed of in such a manner that it will not become incorporated within the fills, nor in any manner hinder proper operation of the storm drainage system.

(b) Suitable material may be used in the construction of embankments or at any other place needed. If rock is encountered, it shall be removed as determined by the geotechnical engineer. Where boulders are encountered, they should be removed 6 inches below the proposed grade. Onsite materials may be used, provided they are used according to the recommendations of the Geotechnical Engineer. If imported fill is used to construct road embankments, the materials shall meet the following requirements:

(1) Standard Proctor Maximum Dry Density $\geq$
100 pounds per cubic foot within the top 2 feet of finished subgrade elevation; or 95 pounds per cubic foot below the top 2 feet.
(2) Liquid Limit ≤ 60.
(3) Plasticity Index ≤ 35.

(Ord. No. 11451, §1, 09-02-03; Ord. No. 11882, § 1, 9-5-06)

Sec. 32-275. Utility Construction.

(a) Prior to any base material being placed, all underground work that is to be within the right-of-way or the right-of-way subgrade shall be completed and backfilled with stone, if necessary. This includes all drainage, sewerage, water, telephone, electrical, gas, cable television, and other utilities to the end that the completed roadway will not be disturbed for the installation of any utility main or service connection for any utility.

(b) Sanitary sewer shall be constructed in accordance with City of Chattanooga Design and Construction standards and Tennessee Department of Environmental Health requirements.

(c) Storm sewers shall be constructed in accordance with Best Management Practices (BMP) and City of Chattanooga design and construction standards.

(d) All underground utility conduits and piping shall be installed prior to proof rolling and placement of base material. Installation and backfill shall be observed by the Geotechnical Engineer. In the event all utility construction is not complete due to circumstances beyond the control of the developer and/or contractor, proof rolling and placement of base material may begin subject to completion of all underground conduits and piping beneath the road and two feet (2') beyond the edge the proposed base material. A City representative will be present for up to two (2) sanitary sewer tests. One test will be performed prior to proof rolling and placement of base material. A second test will be performed after all utility construction within the right-of-way is complete. In the event all utility construction is complete prior to the first test, only one test will be performed.

(e) Utility trenches shall be backfilled with either crushed rock, soil, or flowable fill according to the following requirements:

(1) Bedding: All utility trenches shall be bedded with a 6-inch layer of either open-graded crushed rock or sand. Bedding shall be placed and compacted using a vibratory compactor. Where necessary, bell holes shall be cut into the bedding at pipe joints locations.

(2) Initial Fill: After the utility line has been placed, the utility trench shall be backfilled with open graded crushed rock or sand to at least twelve (12) inches over the top of the utility. The backfill shall be compacted using a vibratory compactor.

(3) Secondary Fill: From twelve (12) inches over the top of the utility to eighteen (18) inches below the subgrade elevation, the utility trench may be backfilled with

either open-graded crushed rock, sand, or soil fill. Sand or soil backfill shall be placed in maximum one-foot layers and compacted. Sand or soil backfill shall be compacted to achieve at least ninety-five percent (95%) of the standard Proctor maximum dry density. Density tests shall be conducted for every one-foot layer of backfill at a frequency of one test per one hundred (100) feet for utilities running along the longitudinal axis of the road, or one test for utilities crossing the road. Open-graded crushed rock backfill does not require compaction in lifts, but must be consolidated using vibratory compaction equipment. The placement and consolidation must be observed by the geotechnical engineer.

(4) Final Backfill: The final eighteen (18) inches of the utility trench backfill shall be backfilled with dense-graded crushed rock. The backfill shall be compacted to achieve at least ninety-five percent (95%) of the standard Proctor maximum dry density. Density tests shall be conducted at a frequency of one test per fifty (50) feet for utilities running along the longitudinal axis of the road, or two (2) tests for utilities crossing the road.

(5) Flowable fill: Flowable fill may be used as backfill for utility trenches. The material shall be designed to achieve a compressive strength of 150 to 500 psi. The material shall meet the requirements of ACI 229R-99, Standard Specifications for Controlled Low Strength Cementitious Materials. Flowable fill may be used instead of the secondary fill and the final backfill. The material supplier shall submit a mix design verified by an independent testing laboratory within the past six (6) months.

(Ord. No. 11451, § 1, 09-02-03; Ord. No. 11882, § 1, 9-5-06)

Sec. 32-276. Subgrade.

(a) All contractors must contact the Geotechnical Engineer prior to beginning subgrade work. This is imperative or the work may not be accepted.

(b) The Subgrade shall be prepared to the lines and grades as designed and staked by the Subdivision Engineer and to correspond to the cross section as indicated on the typical cross section approved by the City Engineer.

(c) After the subgrade has been graded and shaped, it shall be scarified to a depth of eight (8) inches, then re-compacted to achieve a density of at least ninety-eight percent (98%) of the standard Proctor (ASTM D698) maximum dry density. The moisture content shall be within three percent (3%) of the optimum moisture content. The Geotechnical Engineer will conduct field density tests at a spacing of not more than one hundred (100) feet, staggered right and left of

the centerline, with a minimum of three (3) tests. Any areas that do not meet compaction requirements shall be re-compacted and retested.

(d) If an existing subgrade passes both the proof rolling and density tests, then scarifying and re-compacting will not be required. Proof rolling shall be performed using a fully-loaded, dual-tandem dump truck. The subgrade shall be trafficked by parallel passes of the truck starting at one side of the roadway. Each pass shall overlap the preceding pass to ensure complete coverage. Two complete proof rolling coverages are required.
(Ord. No. 11451, § 1, 09-02-03; Ord. No. 11882, § 1, 9-5-06)

Sec. 32-277. Fill and Embankments.

(a) Any roadway embankment steeper than a three (3) to one (1) slope, shall be specially designed by a geotechnical engineer and then built to design specifications.

(b) The embankment shall be protected from erosion using stormwater Best Management Practices.

(c) Areas requiring two (2) feet or more of fill shall be observed and tested by the Geotechnical Engineer. Fill shall be placed in level lifts, thickness of loose lifts shall not exceed eight inches (8”), and compacted to at least ninety-five percent (95%) of the standard Proctor maximum dry density. The moisture content shall be within three percent (3%) of the optimum moisture content. The Geotechnical Engineer shall conduct field density tests for each one-foot layer of fill placed. Testing frequency shall be at least one (1) test per ten thousand (10,000) square feet, or one (1) test every two hundred (200) feet along the roadway centerline, staggered left and right of the centerline. A minimum of three (3) tests is required for each one-foot layer. Any areas that do not meet compaction requirements shall be re-compacted and retested.
(Ord. No. 11451, § 1, 09-02-03; Ord. No. 11882, § 1, 9-5-06)

Sec. 32-278. Base.

(a) All contractors must contact the Geotechnical Engineer prior to beginning the base operation. This is imperative or the work may not be accepted.

(b) Before placing base material, the subgrade shall be proof-rolled in the presence of the Geotechnical Engineer. Proof-rolling shall be performed using a fully-loaded, dual-tandem dump truck. The subgrade shall be trafficked by parallel passes of the truck starting at one side of the roadway. Each pass shall overlap the preceding pass to ensure complete coverage of the roadway cross-section. Two (2) complete proof-rolling coverages are required. Any areas that deflect or yield, in the opinion of the Geotechnical Engineer, shall be corrected before base material is placed.

(c) Base material shall be a dense-graded mineral aggregate base meeting the requirements of the Tennessee Department of Transportation "Standard Specifications for Road and Bridge Construction" section 303, Type A Grade D. The contractor shall provide a letter of certification from the base material supplier that the materials meet these requirements. Other types of base material may be used, if included in a design by a professional engineer and approved by the Geotechnical Engineer and the City Engineer. The base material shall be compacted to at least ninety-five percent (95%) of the standard Proctor maximum dry density.

(d) The base will be tested for thickness and compaction by the Geotechnical Engineer. Tests will be conducted at a maximum spacing of two hundred (200) feet, staggered right and left of the centerline.

(e) Tolerances for base thickness. The minimum base design thickness shall be six (6) inches. The average of all measurements shall be greater than or equal to the design thickness. Any test that is less than the design thickness, but no more than 0.5 inches less than the design thickness, may be evaluated by the Geotechnical Engineer for acceptance or for corrective actions. Any test that is more than 0.5 inches below the design thickness will require corrective actions. (Ord. No. 11451, § 1, 09-02-03; Ord. No. 11882, § 1, 9-5-06)

Sec. 32-279. Prime.

(a) After the base course has been thoroughly compacted and worked to the lines and grades as shown on the typical cross section, it shall be dampened if necessary.

(b) TDOT approved Asphalt Emulsion primers may be used. Application shall be in accordance with manufacturers recommendations.

(c) The type and grade of prime material shall depend on the condition of the base course and shall be approved by the Geotechnical Engineer and the City. The prime coat may be eliminated if approved by the Geotechnical Engineer and the City.
(Ord. No. 11451, § 1, 09-02-03; Ord. No. 11882, § 1, 9-5-06)

Sec. 32-280. Binder.

(a) Contractors must contact the Geotechnical Engineer prior to beginning the binder course installation. This is imperative or the work may not be accepted.

(b) The binder asphalt shall be placed over the prime coat. The binder asphalt shall be compacted to an average density of at least ninety-two percent (92%) of the theoretical maximum density as determined by the Marshall method (50 blows), with no individual test less than ninety percent (90%). The theoretical maximum density shall be provided by the asphalt binder supplier.

The Geotechnical Engineer will test the thickness and compaction by obtaining cores every five hundred (500) feet, or a minimum of three (3) cores. If any area does not meet the minimum thickness or compaction requirements, additional cores will be taken at 100-foot intervals until two consecutive cores meet the requirements. Areas that do not meet the requirements shall be removed and replaced. As an option, the Geotechnical Engineer can be present during construction to check the laydown thickness and temperature of the asphalt and to conduct nuclear density tests after compaction. In this case, coring will be reduced to three cores or one every 2000 feet. In any case, a minimum of three cores will be required.

(c) The binder asphalt shall meet the requirements of TDOT standard specifications section 307. Either 307B, 307BM or 307BM-2 mixes may be used. The minimum binder design thickness shall be 2 inches. If 307B is used, the minimum binder design thickness must be increased to 2-1/2 inches.

(d) Binder thickness tolerances. The average thickness of the binder shall be greater than or equal to the design thickness, with no individual test more than ¼ inch less than the design thickness. Areas deficient in thickness shall be evaluated by additional coring at 100-foot intervals to determine the area of deficient thickness. The deficiency may be corrected by increasing the thickness of the surface asphalt.
(Ord. No. 11451, § 1, 09-02-03; Ord. No. 11882, § 1, 9-5-06)

Sec. 32-281. Backfill Curbs.

Backfill behind curbs shall be completed promptly after the curbs are installed. Until the backfill behind curbs is completed, measures should be taken to minimize infiltration of water to the pavement sub grade. Careful attention must be given to slope of backfill to prevent water penetration behind curbs. Curbs shall be installed in accordance with standard City specifications as established by the City Engineer.
(Ord. No. 11451, § 1, 09-02-03; Ord. No. 11882, § 1, 9-5-06)

Sec. 32-282. Tack Coat.

A tack coat shall be applied over the binder before placing the surface asphalt. The tack coat shall be CRS-2 emulsified asphalt, applied at a rate of 0.05 gallons per square yard of residual bituminous material. Other tack materials may be used or the tack coat may be eliminated, if approved by the Geotechnical Engineer and the City.
(Ord. No. 11451, § 1, 09-02-03; Ord. No. 11882, § 1, 9-5-06)

Sec. 32-283. Surface.

(a) The surface asphalt shall be placed over the binder asphalt as soon as possible, but no more than ten (10) days after placing the binder, to avoid rainwater infiltration and to prevent damage from truck traffic. The time may be extended at the City Engineer's discretion to deal with unusual circumstances, so long as the road continues to meet the structural requirements of this regulation. The surface asphalt shall be compacted to an average density of at least ninety-two percent (92%) of the theoretical maximum density as determined by the Marshall method (50 blows), with no individual test less than ninety percent (90%). The theoretical maximum density shall be provided by the asphalt surface supplier. The Geotechnical Engineer will test the thickness and compaction by obtaining cores every five hundred (500) feet, or a minimum of three (3) cores. Areas that do not meet the requirements shall be removed and replaced. As an option, the Geotechnical Engineer can be present during construction to check the laydown thickness and temperature of the asphalt and to conduct nuclear density tests after compaction. In this case, coring will be reduced to three cores or one every two thousand (2,000) feet. In any case, a minimum of three (3) cores will be required.

(b) The surface asphalt shall meet the requirements of TDOT standard specifications section 411. The minimum design thickness of the surface asphalt shall be one (1) inch.

Asphalt thickness tolerances. The average thickness of the asphalt (binder plus surface) shall be greater than or equal to the design thickness, with no individual test more than 1/8 inch less than the design thickness. Areas deficient in thickness shall be evaluated by additional coring at 100-foot intervals to determine the area of deficient thickness. Deficient areas shall be corrected.
(Ord. No. 11451, §1, 09-02-03; Ord. No. 11882, § 1, 9-5-06)

Sec. 32-284. Seasonal Limitations of Asphalt.

The outside temperature away from artificial heat and in the shade shall be forty degrees (40°) and rising for plant mix.
(Ord. No. 11451, § 1, 09-02-03; Ord. No. 11882, § 1, 9-5-06)

Sec. 32-285. "As Built" Drawings.

(a) Upon completion of the construction of the required improvements, and prior to final acceptance by the City Engineer, the developer will furnish "As Built" drawings of all sanitary sewer and stormwater structures. A registered professional engineer or surveyor will certify that the information furnished is a true and complete representation of the improvements that were constructed by the developer. The "As Built" drawings shall be furnished in electronic format, and shall be the true and accurate location

and elevation of the structures shown, with a positional tolerance of 0.07 feet horizontal and 0.14 feet vertical. English units and NAD 83 State Plane co-ordinates shall be used. Structures shall be identified by the number shown on the drawing or provided by the engineer. The electronic file, in ASCII format, shall provide the following minimum information for sanitary sewer manholes and drainage structures, including drainage manholes:

(1) Sanitary Sewer Manhole or Drainage Structure Number;

(2) Northing, Easting, and Rim Elevation;

(3) Invert Elevation; and

(4) Size, material, and direction for each pipe entering and leaving the sanitary sewer manhole or drainage structure.

(b) All drainage structures and sanitary sewer manholes shall be located by the center of the structure or the manhole cover when fully seated.

(c) The electronic file, in ASCII format, shall provide the following minimum information for stormwater detention basins when constructed as part of the development;

(1) Detention Basin Number;

(2) Northing, Easting, and Elevation of limits of detention basin;

(3) Northing, Easting, and Elevation of bottom of detention basin;

(4) Northing, Easting, and Elevation of corners of overflow structure; and

(5) Invert Elevation, size, material, and direction for each pipe entering and leaving the detention basin.

Prior to final acceptance by the City Engineer and/or issuance of any Certificate of Occupancy, all new developments, redevelopments, and/or additions shall submit an inventory of the constructed stormwater drainage system, whether public or private, to the City of Chattanooga in electronic format. Electronic As-Built drawings shall be submitted in AutoCAD and .pdf format and shall show plainly

the approved and constructed layout of the stormwater systems at the associated site. The as-built drawing shall include all stormwater features on the development, whether new or existing, including the outfall to the City drainage system (ex: catch basins, conduits, hydrologic features including ponds, streams, culvert inlets and outfalls, and all pervious surfaces, etc.).

Certain engineered water quality conveyances such as engineered swales and grass filter strips have a required slope and cross section to give maximum water quality benefits for the area and will therefore also require as-built cross sections to determine if they are built per designed specifications.

As-Built Drawings shall at a minimum comply with the following items:

- A registered professional engineer or surveyor will certify that the information furnished is a true and complete representation of the improvements that were constructed by the developer.

- The design engineer shall certify that the information reflects the original design or is an approved substitute for the original design by completing the As-Built Detention Facility Engineer's Certification Form (Attached).
- The As-Built drawings shall be furnished in electronic format (both an AutoCAD R13 or greater and a .pdf file shall be required) and shall be the true and accurate location and elevation of the structures shown, with a positional tolerance of 0.07 feet horizontal and
  0.14 feet vertical.

- English units and NAD 83 State Plane co-ordinates shall be used. ASCII format may be used if the table is included in the drawing.

- All drainage structures and manholes shall be located by the center of the structure or the manhole cover when fully seated.

- Drainage features (including drainage manholes) shall at a minimum include the following:

  (1) Drainage Structure Number;

  (2) Drainage Structure Label (ex: oil skimmer, water quality unit type/model, etc.);

  (3) Northing, Easting, and Rim Elevation;

(4) Invert Elevations;

(5) Size, Material, and Direction of flow for each pipe entering and leaving the drainage feature; and

(6) Detail drawings of water quality features including but not limited to profiles, contours, and elevations (ex: bio-retention areas, swales, grass filter strips, etc.).

- Detention systems shall at a minimum include the following:

(1) Detention System Number;

(2) Northing, Easting, and Elevation of the limits, corners, and bottom of detention systems;

(3) Invert Elevation, Size, Material, and Direction of flow for each pipe entering and leaving the detention system;

(4) Detail drawing for all outlet control and emergency overflow structures;

(5) Detail drawing for any other detention systems as necessary (ex: underground detention system); and

(6) Required and provided detention storage volume.

(Ord. No. 11451, §1, 09-02-03; Ord. No. 11882, § 1, 9-5-06; Ord. No. 12606, § 1, 5-29-12)

Sec. 32-286. Geotextiles.

Geotextiles may be incorporated into pavement designs if necessary for subgrade soil conditions. Geotextiles shall meet the requirements of AASHTO M288-96 (or more recent editions). Geotextiles shall meet MARV strength values for Class 2 if the subgrade CBR > 3 and Class 1 for CBR $\leq$ 3.

(Ord. No. 11451, § 1, 09-02-03; Ord. No. 11882, § 1, 9-5-06)

Sec. 32-287. Optional Rigid Pavements.

The developer may choose to construct (concrete) rigid pavements instead of flexible (asphalt) pavements. Rigid pavement shall be designed and constructed to meet the following requirements:

(a) Grading: The grading requirements shall be the same as Section 32-274, except the requirements for liquid limit and plastic index are not applicable. The soils shall have a minimum CBR of 3.

(b) Subgrade: The subgrade requirements shall be the same as Section 32-276.

(c) Base: The base requirements shall be the same as Section 32-278. The base thickness shall be a minimum of four (4) inches.

(d) Concrete Mix: The concrete mix shall be designed to provide a 28-day compressive strength of four thousand (4,000) pounds per square inch with a 4-inch ($\pm$1) slump and maximum water cement ration of 0.45. An air entraining agent shall be added to achieve a five percent (5%) air content. The concrete mix shall have a nominal maximum aggregate size of one and one-half (1½) inches.

(e) Concrete Design: The concrete thickness shall be 6 inches. Reinforcing is not required. Control joints shall be spaced regularly in a square pattern as per the PCA recommendations. A longitudinal joint shall be constructed along the centerline. Lateral joints shall be spaced the same as the lane width. Joints shall be sealed using an approved joint sealer. The joint sealer shall be submitted to the Geotechnical Engineer for approval before installation.

(f) Concrete Placement: Concrete placement shall be according to ACI 304 *Recommended Practice for Measuring, Mixing, Transporting, and Placing Concrete*. Concrete shall be placed directly on the base. The ambient temperature at the time of placement shall be at least forty degrees (40º) F, and the forecast temperature in the first twenty-four (24) hours after placement shall be at least thirty-two degrees (32º). No standing water or frozen base shall be present at the time of placement. The concrete mix is expected to arrive at the site at the correct slump. If trucks arrive with a slump more than one (1) inch below the specified slump, then a maximum of twenty (20) gallons of water may be added, with the approval of the concrete supplier, to adjust the concrete slump. No water may be added after placement begins. If trucks arrive with a slump more than one (1) inch above the specified slump, the truckload shall be rejected. Concrete shall be placed within ninety (90) minutes of the batch time.

(g) Concrete Protection and Curing:

(1) Protect freshly placed concrete from premature drying and excessive cold or hot temperatures. Comply with ACI 306.1 for cold-weather protection and with ACI 305R for hot-weather protection.

(2) Curing shall be accomplished in strict compliance with ACI 308.

(h) Finish: The concrete finish shall provide a durable, smooth surface, free of irregularities, but skid-resistant (such as burlap drag or broom finish).

(i) Quality Assurance: An ACI certified representative of the geotechnical engineer shall be present to monitor concrete placement and conduct quality assurance testing. The representative shall keep a record of each truck load of concrete delivered to the site, including the information provided on the batch ticket and the amount of water added at the site. The first load of concrete shall be checked for slump, air content, and unit weight to determine acceptance. Compressive strength samples shall be taken randomly from the first thirty (30) cubic yards, and every fifty (50) cubic yards after that. Compressive strength samples shall include a set of six (6) cylinders. Two (2) cylinders shall be tested at seven (7) days and two (2) at twenty-eight (28) days and two (2) for reserve. The remaining cylinder shall be kept in reserve. Slump and air content tests shall be conducted for each set of compressive strength samples taken, or if visual indications of changes in the slump or other concrete properties are observed.
(Ord. No. 11451, § 1, 09-02-03; Ord. No. 11882, § 1, 9-5-06)

Sec. 32-288. Plan Review and Preconstruction Conference.

(a) Prior to any street or utility construction, five sets of engineering plans for road and utility construction shall be submitted to the Development Office to be stamped with a sign-off block for each department reviewing these five sets of proposed plans.

(b) The design engineer shall make any revisions or changes required by the various reviewers to bring the proposed design into conformance with the City of Chattanooga design and construction standards and the City of Chattanooga Subdivision Regulations. The design engineer should then affix his seal and signature to the five revised plans and return these revised plans to the Development Office for final review and approval.

(c) N.P.D.E.S., A.R.A.P., T.V.A, Corps of Engineers, and other required permits and approvals, if necessary, should accompany these revised plans.

(d) A preconstruction conference shall be held prior to beginning construction on a new subdivision involving street construction work, sanitary sewer, or stormwater facilities. The conference shall be attended by the developer, the contractors, a representative of the City, and the geotechnical engineer.
(Ord. No. 11451, § 1, 09-02-03; Ord. No. 11882, § 1, 9-5-06)

ARTICLE XIII. CHATTANOOGA TREE ORDINANCE

DIVISION 1. GENERAL

Sec. 32-300. Title.

This article shall be known and may be cited as the Chattanooga Tree Ordinance.

Sec. 32-301. Purpose.

The purpose of this ordinance is to promote the planting, preservation, and proper care and maintenance of trees and plantings within the incorporated city limits of the City of Chattanooga. Trees and plantings constitute an important public asset of the City of Chattanooga, enhancing the attractiveness and environmental health of the City, thereby promoting the general and economic well-being of the City. Urban trees are a fragile public resource and may be damaged or destroyed through malicious, careless, or even well-intentioned actions. This public resource may best be improved and protected by a program of comprehensive management and regulation of planting, maintenance, and removal, administered by an office within municipal government. This program shall be known as the "Urban Forestry Program," or alternatively as the "Tree Program."
(Ord. No. 9315, § 1, 1-30-90)

Sec. 32-302. Definitions.

For the purpose of this Article the following terms, phrases, words, and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular, and words in the singular include the plural. The word "shall" is mandatory and not merely directory.

Caliper – This is a diameter measurement for nursery stock. For trees less than four (4) inches in diameter this measurement is made at six (6) inches above grade. For trees with a diameter above (4) inches in diameter the measurement is equal to DBH. See DBH below.

City - the City of Chattanooga, Tennessee.

City Forester - the City Forester or other qualified designated official of the City of Chattanooga, assigned to carry out the enforcement of this Article.

City Landscape Inspector - assigned to assist in carrying out this Article under the direction of the City Forester.

City Property - all real property which is owned or leased by the City or which is maintained by it, or any part of any public right-of-way.

Critical Root Zone – The soil area below ground and the space above ground defined by the tree canopy's dripline.

City Wide Services - the designated unit of the City under whose jurisdiction city-owned trees fall.

Diameter at Breast Height (DBH) – This is a diameter measurement for existing trees. This standard of measure is made at four and one-half (4.5) feet above the ground for trees greater than four (4) inches in diameter at six (6) inches above grade.

Dripline – The outer edge of the canopy of each individual tree.

Heritage Tree – Any tree thirty-six (36) inches DBH and larger and/or possesses historical or cultural significance as determined by the City Forester.

Highway or Street - the entire width of every public way or right-of-way when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular or pedestrian traffic.

Park - shall include all public parks having individual names.

Planting Plan - a scaled drawing depicting all plant materials, specifications, and any other information required by the City Forester for the evaluation of permit applications.

Property Line - shall mean the outer edge of the right-of-way of a highway or street.

Property Owner - shall mean the person owning property as shown by the County Assessor's Plat of Hamilton County, Tennessee.

Protected Tree - Any public tree.

Pruning Standards - generally accepted standards for pruning as defined in the current edition of American National Standards Institute ANSI A-300 and the current ISA Companion booklet: Best Management Practices - Tree Pruning.

Public Trees - shall include all shade and ornamental trees now or hereafter growing on any street, park, or other public property.

Private Trees – shall include all proposed or existing shade and ornamental trees now or hereafter growing on private property used to meet any City of Chattanooga Landscape or Zoning ordinance or condition.

Right-of-way - that property located within and adjoining the public streets, roads, highways and public easements within the City, which are owned or maintained by the City.

Streetscape- City of Chattanooga public right-of-way infrastructure, which may include trees, pedestrian lighting, sidewalks, crosswalks, ADA ramps, and/or curb and gutter. City Engineering may require streetscapes to be improved by adjoining property owners as a cost of redevelopment.

Street Trees - trees, shrubs, and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or ways within the City.

Streetyard- Trees required by the Landscape Ordinance to be planted on private property adjoining the City of Chattanooga public right-of-way.

Topping - the severe and/or indiscriminate cutting back of limbs or trunks within the canopy of a tree so as to remove the normal canopy and disfigure the tree.

Tree - for purposes of this article only, trees shall be considered to be plants of woody structure with an anticipated mature height of at least (15) feet.

Tree Protection Best Management Practices (BMPs) for Contractors and Builders Technical Guide(City of Chattanooga) - the standard for tree protection, care, and maintenance during construction. It is also the standard for replacing and planting new trees.

Tree Survey – A scaled plan or inventory locating existing trees.

Treelawn - that part of a street or highway, not covered by sidewalk or other paving, lying between the property line and that portion of the street or highway usually used for vehicular traffic. AKA: verge, planting strip, utility strip.

Tree work - The act of planting, pruning, trimming, fertilizing, treating, removing, or any other action upon or affecting a tree.

Urban Forestry Program - a proactive program for managing trees within the City as a public resource.

(Ord. No. 9315, § 1, 1-30-90)

Sec. 32-303. Establishment of a Tree Commission.

(a) There shall be created a commission to be known and designated as the "Chattanooga Tree Commission" composed of nine (9) persons, who shall be residents of the City of Chattanooga or of Hamilton County. Said members shall be appointed by the mayor with approval of the Governing Body of the City and shall have at least five (5) members who are professionally trained in related fields as an Arborist, Landscape Architect, Biologist, Realtor/Developer/Home Builder or General Contractor, and an Engineer/Architect/Surveyor. The City Forester, City Landscape Inspector/Plan Reviewer and other professionals designated by the City Forester shall serve as advisors to the Commission. All members of the Commission shall serve without pay. The members shall be appointed for a term of four (4) years and serve until their successors are duly appointed and approved by the City Council. Successors to those members appointed by the Mayor shall thereafter be appointed for terms of four (4) years. Vacancies caused by death, resignation, or otherwise, shall be filled for the unexpired term in the same manner as original appointments are made.

(b) *Organization*. Within a reasonable time after the appointment of said Commission and approval of the members thereof, upon call of the Mayor, the Commission shall meet and organize by election of a chairman and a secretary. The Commission shall then provide adoption of rules and procedures and for holding of regular and special meetings as the Commission shall deem advisable and necessary in order to perform the duties set forth.

(c) *Duties*.

(1) The Commission shall study the problems and determine the needs of the City of Chattanooga in connection with its urban forestry program and report from time to time to the Governing Body of the City as to desirable legislation concerning the tree program and related activities for the City.

(2) The Commission shall recommend to the Administrator of Public Works candidates for the office of City Forester.

(3) The Commission shall assist the properly constituted officials of the City, as well as the Governing Body and citizens of the City, in the dissemination of news and information regarding the selection, planting, and maintenance of trees within the incorporated city limits, whether they be on private or public property.

(4) The Commission shall provide prior notice and maintain minutes of all regular and special meetings pursuant to Tennessee law at which the subject of trees, insofar as it relates to the City, may be discussed by the members of the Commission, officers and personnel of the City and its several divisions, and all others interested in the urban forestry program.

(5) The Commission shall hear and decide appeals from decisions of the City Forester as set forth in Sec. 32-306. Any appeal from the actions of the Commission shall filed in writing within thirty (30) days of the action of the Tree Commission with the secretary of the Board of Appeals and Variances of the City.

Sec. 32-304. Establishment of the position of City Forester.

(a) *Appointment*. The City Forester shall be employed by the Governing Body of the City upon recommendation by the Administrator of Public Works after a competitive examination and interview given by the Tree Advisory Commission. He or she shall be a person skilled and trained in the arts and sciences of municipal arboriculture, and shall hold a college degree in urban forestry, arboriculture, ornamental or landscape horticulture, or other closely related field. He or she shall have had at least six (6) years experience in municipal urban forestry work or its equivalent. The office of the City Forester shall be an administrative unit of the Division of City Wide Services of the Department of Public Works. Should the office of City Forester be vacant, the authority of that office shall be transferred to the Director of City Wide Services until such time as the City Forester position is filled.

(b) *Salary*. The City Forester shall receive a salary commensurate with his or her training and experience as full compensation for all services rendered and in lieu of all fees.

(c) *Duties and Authority.*

(1) General. The City Forester shall have the authority and jurisdiction of regulating the planting, maintenance, and removal of trees on streets and other publicly owned property to insure safety or preserve the aesthetics of such public sites. The City Forester shall promulgate the rules and regulations of the Arboricultural Specifications and Standards of Practice governing the planting, maintenance, removal, fertilization, pruning, and bracing of trees on the streets, parks and other public places in the City, and shall direct, regulate, and control the planting, maintenance and removal of all trees growing now or hereafter in any public area of the City. He or she shall cause the provisions of this Article to be enforced. The City Forester shall coordinate with the City Traffic Engineer in matters concerning trees which may be a hazard to traffic safety. The City Forester shall also coordinate with the City Engineer in matters related to streetscape of public right-of-way.

(2) Permit Authority. The Land Development Office shall administer the Tree Permit. The City Forester shall have the authority to approve or deny permits for planting, maintenance, and/or removal of public trees. It shall also be his or her duty to supervise or inspect all work done under a permit issued in accordance with the terms of this Article.

(3) Master Street Tree Plan. The City Forester shall have the authority to formulate a Master Street Tree Plan as needed, perform and maintain an inventory, and create other relevant documents with the advice and approval of the Tree Advisory Commission. The Master Street Tree Plan shall specify the species of trees to be planted on each of the streets or other public sites of the City. From and after the effective date of the Master Street Tree Plan, or any amendment thereof, all planting of Public Trees shall conform thereto. The City Forester shall consider all existing and future traffic, utility and environmental factors and urban design criteria when recommending a specific species for each of the streets and other public sites of the City.

Sec. 32-305. Interference with City Forester.

No person shall hinder, prevent, delay, or interfere with the City Forester or any of his assistants while engaged in carrying out the execution or enforcement of this Article; provided, however, that nothing herein shall be construed as an attempt to prohibit the pursuit of any remedy, legal or equitable, in any court of competent jurisdiction for the protection of property rights by the owner of any property within the City.
(Ord. No. 9315, § 1, 1-30-90)

Sec. 32-306. Right to appeal decision of City Forester.

Any aggrieved party shall have a right to appeal any decision of the City Forester and/or Landscape Inspector to the Tree Commission. If a party wishes to contest a decision he shall, within ten (10) days from the date of receipt of such decision, request in writing a hearing before the Tree Commission for a review and/or hearing on said decision. Any decision of the Tree Commission shall be final, subject to an appeal filed in writing within thirty (30) days of the action of the Tree Commission with the secretary of the Board of Appeals and Variances of the City. The Board of Appeals and Variances shall make a final decision on all requests for review of any action taken by the City Forester and/or Landscape Inspector and the Tree Commission except as otherwise provided by Tennessee law.
(Ord. No. 9315, § 1, 1-30-90)

Sec. 32-307. Legality of article and parts thereof.

Should any section, clause, or provisions of this Article be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Article as a whole, or parts thereof, other than the part so declared to be invalid.
(Ord. No. 9315, § 1, 1-30-90)

Sec. 32-308-32-309. Reserved.

DIVISION 2. PUBLIC PROPERTY

Sec. 32-310. Public tree care.

(a) City authority on public grounds and streets. The City shall have the right to plant, prune, maintain and remove trees, plants, branches and shrubs within the property lines of all streets, alleys, avenues, lanes, boulevards, and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

(b) Private planting on public grounds. This section does not prohibit the planting of street trees by adjacent property owners providing that the selection and location of said trees is in accordance with Sections 32-311 and 32-312 of this Article.

(c) Damage. Unless specifically authorized by the City Forester, no person, firm, or city department shall intentionally damage, cut, carve, transplant, or remove any public tree; attach any rope, wire, nails, advertising posters, or other contrivance to any tree; allow any gaseous, liquid, or solid substance which is harmful to trees to come in contact with any public tree.

(d) Topping. It shall be unlawful for any person, firm or city department to top any street tree, park tree, or other tree on public property. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this provision by agreement of the City Forester.

(e) Tree maintenance practices. Any pruning, and other tree maintenance practices performed on a public tree shall conform to the current edition of American National Standards Institute ANSI A-300 and the current ISA Companion booklet: Best Management Practices - Tree Pruning.

(f) Stumps. All stumps of removed City owned trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

(g) Construction protection.

(1) Tree protection shall be installed for all trees on any street or other publicly owned property near any excavation or construction of any building, structure, or street work. Tree protection shall also be installed for all private trees used to meet any ordinance or zoning condition near any excavation or construction of any building, structure, or street work. Tree trunks shall be guarded with 1” x 4” plank trunk protection no less than four (4) feet high. In addition the City Forester may require that a Critical Root Zone be established by the installation of a fence or frame at the dripline of a specific tree(s). All equipment and building material, vehicles, dirt, or other debris shall be kept outside the Critical Root Zone. Upon good cause shown, the City

Forester may alter or waive the foregoing requirements at his/her discretion.

(2) No person shall excavate any ditches, tunnels, trenches, or lay any drive within a radius of twenty (20) feet from any public tree without first obtaining a written permit from the City Forester. The exact minimum trenching distance varies according to the diameter of the tree but can be found in the "Tree Protection BMP Guide for Contractors and Builders".

(3) No person, firm, or City department shall deposit, place, store, or maintain upon any public place of the city any stone, brick, sand, concrete, vehicles, equipment, or other materials which may impeded the free passage of water, air, and fertilizer or other nutrients in the Critical Root Zone of any tree growing therein, except by written permit of the City Forester.

(4) The "Tree Protection BMP Guide for Contractors and Builders" shall be considered the primary reference for protective actions regarding activities that may potentially impact trees on City owned and managed property.
(Ord. No. 9315, § 1, 1-30-90)

Sec. 32-311. Obstructions--minimum clearances.

It shall be the duty of any person or persons owning or occupying real property bordering on any street upon which property there may be trees, to prune such trees in such manner that they will not obstruct or shade the street lights, obstruct the passage of pedestrians on sidewalks, obstruct vision of traffic signs, obstruct the view of any street or alley intersection, or otherwise endanger the public. The minimum clearance of any overhanging portion thereof shall be eight (8) feet over sidewalks, and twelve (12) feet over all streets and vehicular use areas except truck thoroughfares which shall have a minimum clearance of fourteen (14) feet. No street trees shall be planted closer than ten (10) feet to any fire equipment to include fire hydrants, post indicator valves, and gongs. No street trees shall be planted closer than twenty (20) feet to any overhead electrical or telephone wires unless specifically approved by the Municipal Forester as a low growth variety suitable for such location. Property owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public.
(Ord. No. 9315, § 1, 1-30-90)

Sec. 32-312. Permits required.

(a) General.

(1) Except as provided herein, no person, firm, or city department shall plant, spray, fertilize, preserve, prune, remove, cut above ground, or conduct ground-disturbing activities within the drip line of, or otherwise disturb any tree on any street or city-owned property without first filing an application and procuring a written permit from the Land Development Office on

forms furnished by the City Forester. The person receiving the permit shall abide by the Standards of Practice adopted by the Forester and by other reasonable conditions imposed by the City Forester.

(2) Applications for permits will be available at the Land Development Office. The permit must be approved and signed by the City Forester not less than seventy-two (72) hours in advance of the time the work is to be done. A permit fee of $50.00 and any administrative and technological fees approved by the City Council shall be charged and the permit filed with the Land Development Office.

(3) The Land Development Office shall issue the permit provided for herein if, the City Forester certifies that the proposed work and the proposed method and workmanship thereof are in compliance with the provisions of this Article. Any permit granted shall contain a definite date of expiration and the work shall be completed in the time allowed on the permit and in the manner as therein described. Any permit shall be void if its terms are violated.

(4) Notice of completion shall be given within five (5) days to the City Forester for his inspection. Such notice shall include whatever form of identification as may be specified by the City Forester.

(5) General permits may be approved for public and private utility companies which shall install overhead and underground utilities (including CATV installations and water and sewer installations by or at the direction of the city); provided that, the company's written pruning and trenching specifications have been annually approved by the City Forester and the Chattanooga Tree Commission; provided, however, that removal of any tree shall have been specifically approved in advance by the City Forester. Such general permits may be revoked upon written notice to the permit holder from the City Forester in the event the permit holder fails to comply with the provisions of this Article or with the conditions of the permit.

(b) Planting.

(1) Application Data. The application required herein shall state the number of trees to be set out; the location, grade, species, cultivar or variety of each tree; the method of planting; and such other information as the City Forester shall find reasonably necessary to make a fair determination of whether a permit should be issued. A Planting Plan shall be required for any planting operation unless specifically waived by the City Forester.

(2) Improper Planting. Any tree planted in a manner in conflict with the provisions of this section shall be subject to removal as provided in Division 4 of this Article.

(c) Maintenance. The application required herein shall state the number and kinds of trees to be sprayed, fertilized, pruned, or otherwise maintained; the kind of treatment to be administered; the composition of the spray material to be applied; and such other information as the City Forester shall find reasonably necessary to a fair determination of whether a permit should be issued.

(d) Removal, replanting and replacements.

(1) Wherever it is necessary for the city to remove a tree or trees from a tree lawn in connection with the paving of a sidewalk, or the paving or widening of the portion of a street or highway used for vehicular traffic, the city may replant such trees or replace them. Provided that if conditions prevent planting on tree lawns, this requirement will be satisfied if any equivalent number of trees of the same size and species as provided for in the Master Street Tree Plan are planted in an attractive manner on the adjoining property with the approval of the property owner(s).

(2) No person or property owner shall remove a tree from the tree lawn for any reason without first filing an application and procuring a permit from the City Forester. The person or property owner shall bear the cost of removal and replacement of all trees removed.
(Ord. No. 9315, § 1, 1-30-90)

Secs. 32-313. Reimbursement to the City

Any person found to be in violation of this article through the action of removing a tree on city property (Sec. 32-310c) shall be responsible for reimbursement to the city for the value of the tree as described in the latest published edition of the Guide for Plant Appraisal by The Council Of Tree & Landscape Appraisers and as interpreted by the City Forester. In addition, any person found to be in violation of this article shall be responsible for the actual cost incurred by the City for replacing any removed tree. The replacement tree and location for planting shall be approved by the City Forester.

DIVISION 3. PRIVATE PROPERTY

Sec. 32-314. Utility responsibility on private property.

Public and private utilities which install overhead and underground utilities (including CATV installations and water and sewer installations by or at the direction of the city Department of Public Works), shall be required to accomplish all work on property subject to this Article in accordance with the company's written pruning and trenching specifications, or as mutually agreeable to the property owner and the utility. Written specifications shall have been first approved by the City Forester and reviewed by the Tree Advisory Commission.

(Ord. No. 9315, § 1, 1-30-90)

Sec. 32-315. Dead or diseased tree removal on private property.

(a) The city shall have the right to order or cause the removal of any trees that are dead or diseased on private property within the city, when such trees constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees within the city. The City Forester shall determine which tree or trees are to be removed.

(b) Unless such trees pose immediate hazard to public safety, the owner of such trees will be ordered, in writing, to remove said trees, stating the reason for removal and the location of said tree or trees to be removed. Removal shall be done by said owners at the owner's expense within fourteen (14) days after the date of the order to remove. In the event the owner fails to comply with such order to remove, or if public safety considerations require immediate removal, the city shall then proceed to remove said tree or trees, and to charge removal costs to the owner of the property as provided by law in the case of special assessments.
(Ord. No. 9315, § 1, 1-30-90)

Sec. 32-316. Professional License and Business Practice

Any commercially licensed business conducting tree work (as described in Sec. 32-302) including but not be limited to Tree Care Companies, Lawn Service Companies, Landscape Companies, Painting, Building and Renovation Companies or any person or firm receiving payment of any type to conduct tree work, must obtain a City of Chattanooga business license and provide proof of liability insurance in the maximum amount of the applicable limits of liability for governmental entities under the Tennessee Governmental Tort Liability Act at the time such work is performed.

DIVISION 4. ENFORCEMENT

Sec. 32-317. Violations declared nuisances.

The treatment of any tree in violation of the provisions of this Article by any person is declared to be a public nuisance dangerous to the public safety and shall be abated as set forth in this Article.
(Ord. No. 9315, § 1, 1-30-90)

Sec. 32-318. Notice requiring abatement of violations; abatement by City; lien for costs.

Upon ascertaining a violation of the provisions of this Article, the City Forester shall cause to be served upon the offender a written notice to abate which shall (i) describe the conditions

constituting a nuisance under this Article and (ii) state that the nuisance may be abated by the City at the expense of the offender at the expiration of fourteen (14) days from the date of such notice if the condition is not corrected by the offender. If, at the expiration of fourteen (14) days from the date of said notice to abate, the condition constituting a nuisance has not been corrected, then such condition may be corrected for the nuisance abated by the City at the expense of the offender under the directions of the City Forester. The City shall have a lien on the property upon which such nuisance is located to secure the amount expended for the abatement of such nuisance.
(Ord. No. 9315, § 1, 1-30-90)

Sec. 32-319. Violation declared misdemeanor; penalty.

Any person who shall violate any provision of this chapter, or any person who shall fail or refuse to comply with any notice to abate or other notice issued by the City Forester and/or City Landscape Inspector within the time allowed by such notice, shall be guilty of a misdemeanor; each day of such violation or failure or refusal to comply shall be deemed a separate offense and punishable accordingly. Each violation of this article shall be punishable by a municipal fine of not less than fifty (50) dollars and costs for each day of violation for this municipal offense. In addition to any municipal fine, any violator shall be responsible for the actual cost incurred by the City for replacing any illegally removed tree. The replacement tree and location for planting shall be determined by the City Forester.

(Ord. No. 12619, § 2, 6-26-12)